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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

Tribal Government Services

SEP 27 1976

Bruce M. Townsend, Chairman
Delaware Tribal Business Committee
201 Denver Bldg.
7th and Denver
Tulsa, Oklahoma 74119

Dear Mr. Townsend:

President Ford has asked us to respond to your August 27 telegram regarding the Cherokee-Delaware Indians. We have provided to the appropriate members of the White House staff, copies of correspondence leading up to the calling, and subsequent cancellation of the September 11 meeting of the Delaware General Council,

Sincerely yours,

(Sgd) Raymond V. Butler
ACTING Director, Office of Indian Services

cc: The White House, Mr. Brad Patterson w/enclosures
Muskogee Area Director
Supt., Talequah Agency





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

BUREAU OF INDIAN AFFAIRS
For Release Sept. 9, 1976

Lovett 343-7445

DELAWARE GENERAL COUNCIL MEETING CANCELLED

A meeting of the general council of the Cherokee Delaware Tribe, scheduled to be held September 11 in Dewey, Okla., has been cancelled, Commissioner of Indian Affairs Morris Thompson announced today.

The purpose of the meeting was to have been to consider charges presented by the tribal grievance committee against the chairman, vice-chairman and secretary of the tribal business committee. The grievance committee, in a telegram to Commissioner Thompson received September 7, rescinded its previous resolution and indicated it had no charges of misconduct against any of the tribal officers.

The Commissioner had called the general council meeting at the request of the grievance committee in accordance with tribal by-laws mandating this action. The revocation of the grievance committee's request removed the basis for the Commissioner's calling of the meeting.

The Commissioner said that he is recommending that the Office of Indian Rights in the Department of Justice take appropriate action "in view of the numerous allegations that have been made" and to determine whether any Federal law, including the 1968 Indian Civil Rights Act, may have been violated.

X X X X



Save Energy and You Serve America!

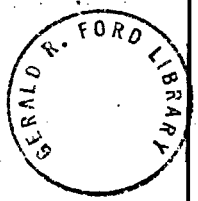
TELEGRAPHIC MESSAGE

NAME OF AGENCY DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS WASHINGTON, D. C.		PRECEDENCE ACTION: XX INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION .K00-20/6/3200/2090	DATE PREPARED 9/8/76	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input checked="" type="checkbox"/> MULTIPLE-ADDRESS	
FOR INFORMATION CALL			
NAME Theodore C. Krenzke, Director, Office of Indian Svcs.	PHONE NUMBER 343-2111		
THIS SPACE FOR USE OF COMMUNICATION UNIT			

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO: Members of Delaware Tribal Business Committee SEP 9 1976
 Members of Delaware Grievance Committee
 108 South Seneca
 Delaware Indian Center
 Bartlesville, Oklahoma 74003

WE HAVE YOUR TELEGRAM RECEIVED SEPTEMBER 7 ADVISING THAT THE GRIEVANCE COMMITTEE HAS RESCINDED ITS JUNE 28 RESOLUTION. YOU ADVISE THE COMMITTEE HAS INVESTIGATED AND KNOWS OF NO EVIDENCE (MUCH LESS A "PROPER SHOWING") OF ANY OF THE ACTS OF MISCONDUCT NAMED IN THE MUSKOGEE AREA DIRECTOR'S NOTIFICATION DATED AUGUST 20, 1976 TO THE DELAWARE TRIBAL MEMBERS AND FURTHER REQUEST THAT THE MEETING NOT BE HELD. SINCE THE PURPOSE OF THE GENERAL COUNCIL SCHEDULED FOR SEPTEMBER 11, 1976 IS TO CONSIDER THE COMPLAINTS THAT RESULTED IN THE COMMITTEE'S RESOLUTION OF JUNE 28, 1976, INSTRUCTING ME TO CALL A GENERAL COUNCIL MEETING FOR THE PURPOSE OF CONSIDERING THOSE COMPLAINTS, AND SINCE YOU INDICATE THAT THERE IS NO EVIDENCE WHICH YOU INTEND TO PRESENT AT SUCH A MEETING, THERE NOW APPEARS TO BE NO BASIS FOR PROCEEDING WITH THE MEETING. THEREFORE BECAUSE OF YOUR ADVICE TO ME THAT YOU WILL NOT PRESENT ANY CHARGES TO THE GENERAL COUNCIL THERE APPEARS TO BE NO ALTERNATIVE BUT TO CANCEL



SECURITY CLASSIFICATION

PAGE NO. 1	NO. OF PGS. 2
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TELEGRAPHIC MESSAGE

NAME OF AGENCY DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS WASHINGTON, D. C. 20245		PRECEDENCE ACTION: XXX INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION K00-20/6/3200 /2090		DATE PREPARED 9/8/76	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input checked="" type="checkbox"/> MULTIPLE-ADDRESS
FOR INFORMATION CALL			
NAME Theodore C. Krenzke, Director of Indian		PHONE NUMBER 343-2111	
THIS SPACE FOR USE OF COMMUNICATION UNIT Services			

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

THE MEETING PER YOUR DIRECTION. I AM INSTRUCTING ALL THE BUREAU EMPLOYEES OF THE CANCELLATION AND WOULD APPRECIATE YOUR HELP IN SO ADVISING TRIBAL MEMBERS. IN VIEW OF THE NUMEROUS ALLEGATIONS THAT HAVE BEEN MADE AND IN AN EFFORT TO RESOLVE THE QUESTION AS TO WHETHER ANY FEDERAL LAW, INCLUDING THE 1968 INDIAN CIVIL RIGHTS ACT, MAY HAVE BEEN VIOLATED, WE ARE RECOMMENDING THAT THE MATTER BE REFERRED TO THE OFFICE OF INDIAN RIGHTS, DEPARTMENT OF JUSTICE, FOR APPROPRIATE ACTION.

Acting

Deputy

Theodore C. Krenzke
 COMMISSIONER OF INDIAN AFFAIRS

SECURITY CLASSIFICATION

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2	2

2-003025E252 09/08/76 ICS 1PMMTZZ CSP WSHB
9183364750 MGM TDMT BARTLESVILLE OK 326 09-08 0328A EST

MORRIS THOMPSON COMMISSIONER OF INDIAN
AFFAIRS
DEPT OF INTERIOR BLDG
WASHINGTON DC 20013



THIS IS A MAILGRAM CONFIRMATION COPY OF THE FOLLOWING MESSAGE

2219 2-021278E250 09/06/76 2219

THE FOLLOWING IS A COPY OF A MESSAGE SENT TO R DENNIS ICKES DEPUTY
UNDER SECRETARY OF THE INTERIOR ROOM 6116 DEPT OF INTERIOR BLDG
WASHINGTON DC

A DELAWARE TRIBAL GRIEVANCE COMMITTEE MEETING THIS DATE CALLED WITH
NOTICE PREVIOUSLY GIVE TO ALL 5 MEMBERS, 6 RESOLUTIONS WERE PASSED, THE
SUBSTANCE OF THESE RESOLUTIONS ARE:

1. THE 6-28-76 "RESOLUTION" PURPORTEDLY FROM THIS COMMITTEE IS
RESCINDED, CANCELLED AND VOIDED.
3. COMMISSIONER THOMPSON AND SECRETARY KLEPPE ARE REQUESTED TO RESCIND
THEIR NOTIFICATION OF ALL EFFORTS TOWARDS THE CALLING AND HOLDING OF
THE GENERAL COUNCIL MEETING OF 9-11-76 AS A RESULT OF THE ABOVE
RESCINDING RESOLUTION.
3. TO EXPUNGE THE 6-28-76 "RESOLUTION" FROM THE RECORDS OF THIS
COMMITTEE.
4. (A) TO ADVISE THAT THE GRIEVANCE COMMITTEE HAS INVESTIGATED AND KNOWS
OF NO EVIDENCE (MUCH LESS A "PROPER SHOWING") OF ANY OF THE ACTS OF
MISCONDUCT NAMED IN THE MUSKOGEE AREA DIRECTOR'S NOTIFICATION TO A FEW
DELAWARE TRIBAL MEMBERS DATED 8-20-76.
(B) TO ABSOLVE, FREE AND VINDICATE THE CHAIRMAN, VICE-CHAIRMAN AND
SECRETARY OF THE DELAWARE TRIBAL BUSINESS COMMITTEE FROM THE ACT OF
MISCONDUCT AS ACCUSED BY VICE-CHAIRMAN SCOTT SECONDINE AND CONTAINED IN
SUCH MUSKOGEE AREA DIRECTOR'S NOTIFICATION.
(C) TO ASSURE THAT SCOTT SECONDINE HAD NOT COLULTED WITH, OR RECEIVED
THE APPROVAL OF, THE GRIEVANCE COMMITTEE BEFORE MAKING SUCH ACUSATIONS.
(D) THAT THE U.S. GOVERNMENT AND ALL ITS DEPARTMENTS, AGENCIES,
BUREAUS, OFFICERS AND EMPLOYEES TAKE NOTICE OF THIS RESOLUTION.
5. TO ADVISE THAT THE POLICY OF THE GRIEVANCE COMMITTEE FROM JULY 1975
IS TO CALL GRIEVANCE COMMITTEE BY ONLY THE CHAIRMAN CALLING SUCH



MEETINGS.

WE RESPECTFULLY URGE SECRETARY KLEPPE AND COMISSIONER THOMPSON TO IMMEDIATELY ISSUE PRESS RELEASES AND TO MAIL NOTIFICATION TO DELAWARE TRIBAL MEMBERS OF THE CANCELLATION OF THE 9-11-76 GRIEVANCE COMMITTEE MEETING.

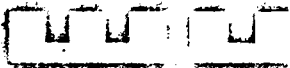
COPIES TO MORRIS THOMPSON COMMISSIONER OF INDIAN AFFAIRS DEPT OF INTERIOR BLDG WASHINGTON DC; JOE FONTANA 1730 PENNSYLVANIA AVENUE NORTHWEST WASHINGTON DC.

HOWARD BARNES CHAIRMAN
MARY LOUISE WATTERS SECRETARY
WILLIAM H THOMPSON MEMBER

03:28 EST

MGMCOMP MGM





Telegram

1976 SEP - 6 PM 11: 50

MB3071 WAB175 (2210) (2-021111E250)PD 09/06/76 2210

ICS IPMBNGZ CSP

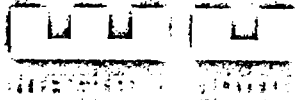
9183354750 TDBN BARTLESVILLE OK 298 09-06 1010P EST

PMS R DENNIS ICKES, DEPUTY UNDER SECRETARY OF THE INTERIOR, FONE
AS EARLY AS POSSIBLE THUESDAY AM, REPORT DELIVERY BY MAILGRAM
ROOM 6116 DEPT OF INTERIOR BLDG

WASHINGTON DC

AT A DELAWARE TRIBAL GRIEVANCE COMMITTEE MEETING THIS DATE CALLED
WITH NOTICE PREVIOUSLY GIVEN TO ALL 5 MEMBERS, 6 RESOLUTIONS WERE
PASSED. THE SUBSTANCE OF THESE RESOLUTIONS ARE:

1. THE 6-28-76 "RESOLUTION" PURPORTEDLY FROM THIS COMMITTEE IS
RESCINDED, CANCELLED AND VOIDED.
2. COMMISSIONER THOMPSON AND SECRETARY KLEPPE ARE REQUESTED TO
RESCIND THEIR NOTIFICATION AND ALL EFFORTS TOWARD THE CALLING AND
HOLDING OF THE GENERAL COUNCIL MEETING OF 9-11-76 AS A RESULT OF THE
ABOVE RESCINDING RESOLUTION.



Telegram

2013 202111000

1976 SEP -6 PM 11:50

3. TO EXPIERGE THE 6-28-76 "RESOLUTION" FROM THE RECORDS OF THIS COMMITTEE.

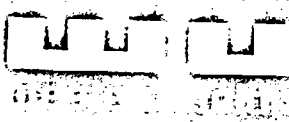
4. (A) TO ADVISE THAT THE GRIEVANCE COMMITTEE HAS INVESTIGATED AND KNOWS OF NO EVIDENCE (MUCH LESS A "PROPER SHOWING") OF ANY OF THE ACTS OF MISCONDUCT NAMED IN THE MUSKOGEE AREA DIRECTOR'S NOTIFICATION TO A FEW DELAWARE TRIBAL MEMBERS DATED 8-20-76.

(B) TO ABSOLVE, FREE AND VINDICATE THE CHAIRMAN, VICE-CHAIRMAN AND SECRETARY OF THE DELAWARE TRIBAL BUSINESS COMMITTEE FROM THE ACT OF MISCONDUCT AS ACCUSED BY VICE-CHAIRMAN SCOTT SECONDINE AND CONTAINED IN SUCH MUSKOGEE AREA DIRECTOR'S NOTIFICATION.

(C) TO ASSURE THAT SCOTT SECONDINE HAD NOT CONSULTED WITH, OR RECEIVED THE APPROVAL OF, THE GRIEVANCE COMMITTEE BEFORE MAKING SUCH ACCUSATIONS.

(D) THAT THE U.S. GOVERNMENT AND ALL ITS DEPARTMENTS, AGENCIES,





Telegram

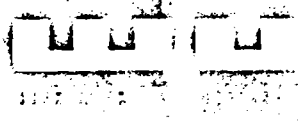
2410 2 2410 2 2410 2

1976 SEP - 3

BUREAUS, OFFICERS AND EMPLOYEES TAKE NOTICE OF THIS RESOLUTION.
5. TO ADVISE THAT THE POLICY OF THE GRIEVANCE COMMITTEE FROM JULY 1975 IS TO CALL GRIEVANCE COMMITTEE MEETINGS BY ONLY THE CHAIRMAN CALLING SUCH MEETINGS.

WE RESPECTFULLY URGE SECRETARY KLEPPE AND COMMISSIONER THOMPSON TO IMMEDIATELY ISSUE PRESS RELEASES AND TO MAIL NOTIFICATION TO DELAWARE TRIBAL MEMBERS OF THE CANCELLATION OF THE 9-11-76 GRIEVANCE COMMITTEE MEETING.

COPIES TO MORRIS THOMPSON COMMISSIONER OF INDIAN AFFAIRS DEPT OF INTERIOR BLDG WASHINGTON DC; JOE FONTANA 1730 PENNSYLVANIA AVE NORTHWEST WASHINGTON DC.
HOWARD BARNES CHAIRMAN



Telegram

201 DENVER BLDG TULSA OK 74119

1976 SEP -6 PM 11:50

MARY LOUISE WATTERS SECRETARY
WILLIAM H THOMPSON MEMBER
(BRUCE M TOWNSEND
201 DENVER BLDG TULSA OK 74119)
NNNN

NDN

KOO-20-6-3200-2190-23N

BRUCE M. TOWNSEND, CHAIRMAN
DELAWARE TRIBAL BUSINESS COMMITTEE
201 DENVER BUILDING
7th AND DENVER
TULSA, OKLAHOMA 74119

AUG 23 1976

ACKNOWLEDGE RECEIPT OF YOUR AUGUST 17 MAILGRAMS, AND
AUGUST 16 TELEGRAM WHICH TRANSMITTED THE CONTENT OF
FURTHER AFFIDAVITS FROM MARY LOUISE WATERS,
HOWARD BARNES AND WILLIAM H. THOMPSON. COMMISSIONER'S
CALL FOR SEPTEMBER 11 GENERAL COUNCIL MEETING REMAINS

NDN

KOO-20-6-3200-2190-23N

UNCHANGED, NOTWITHSTANDING THE MATERIAL YOU SUBMITTED.
WE REGRET YOUR NOT BEING ABLE TO ATTEND THE AUGUST 18
MEETING IN TULSA, BUT APPRECIATE THE PRESENCE OF
MR. JOHN STREET.

(Sgd) Morris Thompson

COMMISSIONER OF INDIAN AFFAIRS .

cc: Muskogee Area Director

BCCO

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Comm'r. RF 2 copies

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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Tribal Government Services

AUG 20 1976



Memorandum

To: Director, Office of Indian Services
From: Tribal Relations Specialist
Subject: August 18 meeting with Delaware tribal leaders

A meeting convened at 6:30 PM on August 18 in the Public Library in Tulsa, Oklahoma. The following were present:

From the Business Committee

Nathan Young III, member
John J. Journeycake, member
Don Wilson, member
Mr. John Street, representing Bruce Townsend
(Mr. Street is Bruce Townsend's law firm partner)

From the Grievance Committee

Scott Secondine, Vice Chairman
Wathene C. Young, member

Bureau Staff

Dennis Springwater, Muskogee Area Tribal
Operations officer
Joe Parker, Tahlequah Agency Superintendent
Bob Farring, Washington, Office

The Area Director issued notices of [REDACTED] the meeting to provide an opportunity to discuss with tribal leaders, the Commissioner's August 17 letter setting forth the procedure to be used in conducting the September 11 general council meeting to consider the removal of three business committee members. I hand-delivered to each person present, a copy of the Commissioner's August 17 letter.



Earlier in the day, Dennis Springwater, Joe Parker and I reviewed the Commissioner's guidelines and drew certain conclusions regarding their implementation. All agreed that it would be highly desirable for the person chosen to chair the meeting to be in Oklahoma the day before the meeting to meet with those Bureau employees who will have a role in conducting the session. Contact with representatives of the grievance committee would also be useful at that time, in view of their role in presenting the charges.



The Area and Agency Offices understand they are responsible for the details and any costs associated with conducting the meeting. However, I conveyed to them my understanding that the Washington Office would arrange for, and make payment to, the Commissioner's representative who will chair the meeting. In an August 17 telegram to the Area Director, Mr. Townsend advised that the following declined to attend the August 18 meeting in Tulsa:

From the Business Committee

Bruce M. Townsend, Chairman
Henry A. Secondine, Vice Chairman
Mary T. Crow, Secretary
Leo H. Johnstone, Member

From the Grievance Committee

Howard Barnes, Chairman
William H. Thompson, member

Cited as the primary reason for the absence of the above was Mr. Townsend's belief that the June 28 grievance committee action is without validity. For this reason we were surprised that Mr. Townsend's law partner showed up.

During that session we explained the procedures and invited comments or suggestions. Included among suggestions were, that representatives of the news media be excluded from the September 11 meeting, but that each Oklahoma

Congressman and Senator be invited to have a representative present at that session. The Area Office will take positive action on both matters.

In response to questions from grievance committee members, I explained that while the Commissioner's letter was silent on the matter, it was my understanding that they would be permitted to have legal counsel to assist in their presenting the charges during the 30 minute periods allowed for that purpose. This was earlier explained to me by Scott Keep, of the Solicitor's Office.

Regarding the response to the charges, I explained the interpretation made earlier by Scott Keep that as many as 3 persons could speak on behalf of the accused, i.e., the accused, his legal counsel, and a member of the tribe authorized by the accused.

Mr. John Street explained that Mr. Townsend is in the process of exhausting his administrative remedies in an effort to avoid the holding of the September 11 general council meeting. If that fails, he then plans to request the Federal District Court to issue a restraining order to enjoin the holding of the meeting, according to Mr. Street. I then told Mr. Street that as far as we are concerned, Mr. Townsend has already exhausted his administrative remedies.

In further discussion with Mr. Street, he indicated that his main concern was for the accused to be given a fair chance to respond to any charges before they were subjected to possible removal. I assured him that was the Commissioner's objective in drawing up the August 17 letter of procedures.

I did not encounter any representatives of the news media. The press release was not available before I left Washington, neither did it arrive in Oklahoma via facimile, while I was there, as was planned by the Information Office.

A handwritten signature in black ink, reading "Bob Jarring". The signature is written in a cursive, flowing style with a large, prominent initial "B".



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

BUREAU OF INDIAN AFFAIRS
For Release August 18, 1976

Lovett 202-343-7445

DELAWARES TO CONSIDER REMOVAL OF OFFICERS

Commissioner of Indian Affairs Morris Thompson announced today that he has called a special meeting of the Cherokee Delaware Tribe's general council to convene at 10:00 a.m., September 11, in the old high school gymnasium in Dewey, Oklahoma to consider removal of certain of its officers.

The general council will consider charges presented by the grievance committee against the chairman of the business committee, the vice-chairman and the secretary. After hearing a response to the charges, the general council will vote either to clear the individuals of the charges or to remove them from office.

The Commissioner explained that this action was taken by him under Section 5 (B) of the tribal by-laws which directs him to call a general council meeting when advised that the tribal chairman has refused or failed to respond to such a request by the tribal grievance committee.

The Commissioner emphasized that his action in no way should be construed as modifying his policy of refraining from becoming involved in internal tribal matters, and he added that his role in this case was mandated because of the specific language in the tribal by-laws.

The tribe has approximately 8,000 adult members.

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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

AUG 17 1976

Tribal Government Services

Delaware Tribal Business Committee
Delaware Tribal Grievance Committee

Dear Delaware Tribal Officials:

In line with our August 6 telegram, we are providing in this letter the procedures that are to be followed in the conduct of the September 11 general council meeting of the Delaware Tribe. I have called this meeting pursuant to the requirements imposed upon me by Section 5(B) of the Delaware Tribal Bylaws following certain developments involving the tribal grievance committee and the tribal chairman. The special meeting is for the purpose of considering the removal from office of three members of the business committee who have been charged with misconduct and other undesirable actions, and the immediate filling of any resulting vacancies for the remainder of the unexpired term. Those to be considered for removal are: Mr. Bruce M. Townsend; Mrs. Mary Townsend Crow and Mr. Henry A. Secondine.

The meeting will be chaired by a person I will choose to represent me and who is not an employee of the Bureau of Indian Affairs. Upon conclusion of the removal matter, my representative shall transfer control of the session to the appropriate officer of the business committee, as provided in the tribal governing resolution, for the consideration of such other business as is appropriate and that the tribe may wish to consider.

Following are the specific procedures which will govern the conduct of the meeting:

1. Only those members who are duly registered to vote in tribal elections shall be admitted and permitted to participate in the meeting, provided that the individuals being considered for removal may bring legal counsel. Upon entering the meeting room, each voter's name will be checked against the tribe's official voter registration list. In the event the voter registration list is not available, the per capita payment roll will then be used and all members who are at least eighteen (18) years of age shall be permitted to participate in the meeting. Mr. Bruce Townsend, as a representative of the charged committeemen, and Mr. Scott Secondine representing the grievance committee, shall have the opportunity to appoint a representative to serve with a representative appointed by the



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Area Director to observe the voter checkoff procedure and resolve any questions of eligibility.

2. Call to order: The meeting shall be called to order promptly at 10:00 am on Saturday, September 11, in the old high school gymnasium in Dewey, Oklahoma and will continue without recess until the removal matter is concluded.

3. Consideration of removal shall be handled individually in alphabetical order according to the spelling of the charged persons's last name. The members of the grievance committee who determined on June 28 that a proper showing had been made in accordance with Section 5(B) of the tribal bylaws, shall have thirty minutes (for each of the accused) to read the charges and explain their determination. The accused shall then have thirty minutes in which to respond to the charges. Only the accused person or any accompanying legal counsel or any one member of the tribe authorized by the accused, shall be permitted to speak on the accused's behalf. If the accused is not present, or if he, or she, does not wish to make an oral presentation, a written statement by the accused not to exceed 2,500 words will be read by the chairman of the meeting on behalf of the accused, provided it has been received by him by the time the meeting is called to order. If the accused is absent and has filed no written statement he, or she, may authorize in writing, and in advance of the meeting, one tribal member or legal counsel to speak on his, or her, behalf. If he, or she, fails to do so, any further right to respond to the charges is, thereby, waived. Following the response to the charges, a vote shall be taken by secret ballot to decide whether that individual shall be cleared of the charges or be removed from office. If a vacancy results, nominations shall immediately be open for candidates who will compete for election to the vacated position for the remainder of the unexpired term. Candidates must be present and qualify pursuant to Section 2 of the tribe's bylaws. A vote by secret ballot to fill such vacancy shall be concluded before proceeding with removal consideration of the next person accused. Each accused person shall be considered individually and any resulting vacancy filled before proceeding to the next person.

4. In that the chairman is elected pursuant to the bylaws for that specific position, the person elected to fill any vacancy that may result from his being removed from that office, would serve as chairman for the remainder of the unexpired term. In the event either Mrs. Crow or Mr. Secondine are removed from office, their successors would merely be considered members of the business



committee. That body would then take further action to choose from among its members who should be the new secretary and vice-chairman.

5. Questions of procedure shall be decided by the chairman of the meeting and his decision shall be final.

6. As provided in numbered paragraph 1, Mr. Bruce Townsend and Mr. Scott Secondine will each have the opportunity to appoint two representatives to witness the counting of the ballots which shall be done in open view of the assembly.

Sincerely yours,


Commissioner of Indian Affairs

Enclosure



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

Tribal Government Services

MEMORANDUM

To: Muskogee Area Director
From: Commissioner of Indian Affairs
Subject: Delaware Removal Meeting

AUG 10 1978

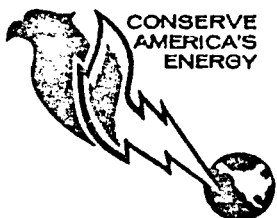
As indicated in our August 6 telegrams to Mr. Bruce Townsend and others, I have called a September 11 special meeting of the Delaware Tribe's general council to consider the removal of three members of the business committee.

We appreciate the cooperation of you and your staff in making the necessary preparations for the conduct of such meeting. I understand your Tribal Operations Officer has already reserved the old high school gymnasium in Dewey, Oklahoma, for the meeting which is to start at 10:00 AM on Saturday, September 11.

We further understand that your staff is preparing to issue notices of the meeting that you will mail out to advise appropriately all adult members. It may be helpful to attach to such notice a copy of the enclosed letter which sets forth procedures to be followed at the removal meeting.

We have attempted to provide some direction in the way the meeting is to be handled, and are asking you to take care of the preparations necessary to insure that the meeting achieves its objective, i.e., to provide the tribe's voters an opportunity to exercise a right guaranteed by the by the tribal governing document.

Enclosure



Save Energy and You Serve America!



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

Tribal Government Services

Bruce M. Townsend, Chairman
Delaware Tribal Business Committee
201 Denver Bldg.
7th and Denver
Tulsa, Oklahoma 74119

AUG 6 1976

Dear Mr. Townsend:

Your July 1 letter appealed the Muskogee Area Director's June 24 disapproval of your proposed attorney contract with the Delaware Tribe of Indians.

As previously discussed with you, the Delaware Business Committee lacks specific authority granted by the tribal governing document to employ a tribal attorney. In order to comply with 25 CFR 72.13 it was, therefore, necessary for general council action to make effective your 1973 contract (Contract No. G00-C-1420-2125). Further action by the tribe, meeting in general council, would be required before we could approve a new tribal attorney contract. However, as mentioned in our March 10, 1976, letter to you, Section 7 of your previous contract provides that such agreement may be extended without general council involvement for further periods of one year each. Extensions of the contract may be made for the period of one year with the approval of the Delaware Tribal Business Committee and the Secretary of the Interior or his authorized representative.

On April 12, 1976, the Delaware Tribal Business Committee approved a one-year extension of your 1973 contract. In the same resolution the Committee authorized the substitution of Winston and Strawn for the late Clyde J. Watts, who until his death served as a tribal attorney. It, therefore, appears that your appeal is, in effect, one from the refusal of the Area Director to approve a one-year extension of your 1973 contract and your employment under Section 3, thereof, of Winston and Strawn.

In view of the terms of your 1973 contract and the business committee's approval of an extension of it and your proposed employment of Winston and Strawn under the extended contract, we conclude we must either approve or disapprove of the proposed extension and employment.

Prior to our March 10, 1976, letter to you, we discussed with you the possibility of approving a short-term interim tribal attorney contract



executed by the business committee to permit the Delaware Tribe to employ counsel to file the jurisdictional statement then due on the appeal filed by the Delaware Tribe in the Weeks Case. A subsequent normal term attorney contract then would be submitted to a general council. You will recall that in February 1976 we had discussions with you about the possibility of such a short interim contract which would run until a general council could be held. The possible extension of the 1973 contract later came into consideration, resulting in our March 10, 1976, letter.

However, because of evidence of a possible change of view on the part of the general membership of the Delaware Tribe with respect to the 1973 contract, had the proposed extension reached me earlier for approval, I would have approved it on the condition that further employment under it be submitted to a general council for ratification. Such conditional approval now is not feasible because the extension expires by its own terms on September 14, 1976.

Accordingly, I hereby approve a one-year extension of the 1973 contract (Contract No. G00-C-1420-2125) from September 14, 1975, to September 14, 1976, subject to the following understandings:

1. That the approved employment for the extension period of the contract is exclusively for services on the appeals in the Supreme Court of the United States in the Weeks litigation (Delaware Tribal Business Committee, et al. v. Weeks, et al., No. 75-1309; Absentee Delaware Tribe of Oklahoma Business Committee, et al. v. Weeks, et al., No. 75-1335; Kleppe, et al. v. Weeks, et al., No. 75-1495; and Weeks, et al. v. Kleepe, et al., No. 1328);
2. That the cost of such services, including both fees and expenses, under the extended portion of the contract shall not exceed \$50,000 and that the hourly fee for Winston and Strawn shall not exceed \$50.00; and
3. That no further extensions of the contract will be approved, nor will any new tribal attorney contracts be approved without an authorizing resolution duly adopted at a general council meeting.

The second understanding is embodied in the supplemental attorney contract which is included in your appeal. However, for the reasons stated in our letter of July 21, 1976, the supplemental attorney contract cannot be approved. Instead, we have given the approval of an extension of your 1973 contract and your employment of Winston and Strawn under Section

3 of the extended contract on the understandings expressly set out above.

Your appeal is granted on the understandings set out herein. As this decision involves the exercise of discretionary authority, it is final for the Department (25 CFR 2.19(c)(1)).

Sincerely yours,

Jose A. Zuni

Acting Dpty. Commissioner of Indian Affairs



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

SCOTT SECONDINE, VICE-CHAIRMAN
DELAWARE TRIBAL GRIEVANCE COMMITTEE
1692 S. 89TH E. AVE.
TULSA, OKLAHOMA 74112

AUG 6 1976

ON THE DATE I HAVE SENT LIKE TELEGRAMS TO THE
DELAWARE TRIBAL BUSINESS COMMITTEE CHAIRMAN AND
THE CHAIRMAN OF THE GRIEVANCE COMMITTEE, THEY
ARE WORDED AS FOLLOWS:

"FOR THE REASONS STATED IN MY LETTER OF THIS DATE,
I HEREBY APPROVE A ONE-YEAR EXTENSION OF YOUR 1975
CONTRACT (NO. 000-C-1427-2125) FROM SEPT. 14, 1975,
TO SEPT. 14, 1976. AS EXPLAINED IN MY LETTER, I
WILL APPROVE NO FURTHER EXTENSIONS OF THAT

PAGE 1 OF 4 PAGES



NDF-PD

BIA-K00-20-8-2200-2120-21N

CONTRACT, NOR WILL I APPROVE ANY NEW TRIBAL
ATTORNEY CONTRACTS APART FROM AN AUTHORIZING
RESOLUTION DULY ADOPTED AT A GENERAL COUNCIL
MEETING.

REGARDING THE REMOVAL ISSUE -- WE HAVE COMPLETED
OUR REVIEW OF DOCUMENTS PROVIDED TO US IN RESPONSE
TO OUR JULY 15 WIRE AND CONCLUDE THAT THE JUNE 28
GRIEVANCE COMMITTEE ACTION IS A VALID EXERCISE OF
THAT BODY'S AUTHORITY. IN THAT THE BUSINESS
COMMITTEE CHAIRMAN FAILED TO CALL THE REQUESTED
GENERAL COUNCIL MEETING BY THE JULY 1 DEADLINE
SPECIFIED IN THE JUNE 28 RESOLUTION, I AM REQUIRED
BY SECTION 5(B) OF THE TRIBAL BYLAWS TO CALL SUCH
MEETING IN ORDER THAT THE TRIBAL VOTERS ARE NOT

PAGE 1 OF 4 PAGES

NDN-PD

BIA K00-20-6-3200-2190-2IN

DENIED THE OPPORTUNITY TO EXERCISE A RIGHT GUARANTEED TO THEM BY THE TRIBAL GOVERNING DOCUMENT. THEREFORE, PURSUANT TO SECTION 5(B) OF THE DELAWARE GOVERNING DOCUMENT I AM CALLING A MEETING OF THE DELAWARE TRIBE'S GENERAL COUNCIL FOR SATURDAY, SEPT. 11, 1976. THE HOUR, PLACE AND PROCEDURES FOR CONDUCT OF SUCH MEETING WILL BE SET FORTH IN A SEPARATE LETTER ON THE SUBJECT TO FOLLOW. COPIES WILL BE PROVIDED TO ALL MEMBERS OF BOTH THE GRIEVANCE COMMITTEE AND BUSINESS COMMITTEE.

UNLESS THE DELAWARE GOVERNING DOCUMENT IS APPROPRIATELY AMENDED, WE CANNOT RECOGNIZE THE USE OF MAIL-OUT VOTING, AS IS BEING PLANNED FOR

PAGE 3 OF 3 PAGES

NDN-PD

BIA K00-20-6-3200-2190-2IN

AUGUST 21, TO TAKE THE PLACE OF A GENERAL COUNCIL MEETING."

Jose A. Zuni

Acting Deputy COMMISSIONER OF INDIAN AFFAIRS

BRUCE MILLER TOWNSEND

CHAIRMAN

201 DENVER BUILDING, 7TH AND DENVER
TULSA, OKLAHOMA 74119

MARY TOWNSEND CROW

SECRETARY
ROUTE 3

BARTLESVILLE, OKLAHOMA 74003

DELAWARE TRIBAL BUSINESS COMMITTEE

DELAWARE INDIAN CENTER

108 South Seneca
BARTLESVILLE, OKLAHOMA 74003

Phone 918/336-5272

DON WILSON

MEMBER
228 N. BUCY
BARTLESVILLE, OKLAHOMA 74003

LEO H. JOHNSTONE

MEMBER
1830 MOONLIGHT DRIVE
BARTLESVILLE, OKLAHOMA 74003

HENRY A. SECONDINE
CHAIRMAN & BUSINESS MANAGER
125 SOUTH PECAN
MOWATA, OKLAHOMA 74048

NATHAN YOUNG III

TREASURER
411 E. ROSS

LEQUAH, OKLAHOMA 74464

JOHN J. JOURNEYCAKE

MEMBER

1606 S. 69th. E. AVE.
TULSA, OKLAHOMA 74112

FINANCE COMMITTEE:

John Barnes
Chairman
Box 204
Tulsa, Ok. 74051

Henry A. Secondine
Chairman
69th E. Ave.
Tulsa, Ok. 74112

Luise Watters
Secretary
Box 525
Ok. 74022

H. Thompson
Member
Box 335
Tulsa, Ok. 74349
Nathan C. Young
Member
Yale, Apt. 22C
Ok. 74135

July 5, 1976

Dear Mr. Townsend:

Pursuant to a Grievance Committee Resolution of June 28, 1976, a General Council of the Delaware Tribe will be held July 17, 1976, at Dewey, Oklahoma. One of the items of business is the recall of Business Committee Members for Misconduct in Office. The following allegation has been charged against you.

Notice is given to you to attend this General Council and to prepare any defense you might have to this charge. At that time, the Delaware General Council will pass judgment upon the allegation.

Sincerely,

Scott Secondine,
Vice Chairman

ENCLOSURE



NOW COMES the Grievance Committee of the Delaware Tribe
and INFORMS you as to the following charges of MISCONDUCT:

BRUCE TOWNSEND

I.

Repeatedly stating that as long as you are Chairman there never
will be another General Council.

II.

Dictatorial use of your Chairmanship by editing and editorializ-
ing the Tribal Newsletter to benefit your attorney's contract;
specifically denying an article by John Journeycake which you
considered unfavorable to your contract.

III.

Perjury in that under oath you testified that you never heard
of the Kansas Delawares when in fact you had been repeatedly
informed of their existence.

IV.

Attempting to encumber the Tribe to the law firm of Winston &
Strawn without a vote of the General Council.

V.

Refusal to call a General Council to vote on your own attorney's
contract when directed to do so.

BRUCE MILLER TOWNSEND

CHAIRMAN

201 DENVER BUILDING, 7TH AND DENVER
TULSA, OKLAHOMA 74119

MARY TOWNSEND CROW

SECRETARY
ROUTE 3

BARTLESVILLE, OKLAHOMA 74003

HENRY A. SECONDINE

CHAIRMAN & BUSINESS MANAGER
125 SOUTH PECAN
MOWATA, OKLAHOMA 74048

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BARTLESVILLE, OKLAHOMA 74003

JOHN J. JOURNEYCAKE

MEMBER
1606 S. 69TH. E. AVE.
MUSKOGEE, OKLAHOMA 74112

FINANCE COMMITTEE:

Barnes
Chairman
204
Muskogee, Ok. 74051

Secondine
Chairman
19th E. Ave.
Muskogee, Ok. 74112

Watterson
Secretary
Box 525
Muskogee, Ok. 74022

J. Thompson
Member
Box 335
Muskogee, Ok. 74349

C. Young
Member
Apt. 22C
Muskogee, Ok. 74135

July 5, 1976

Dear Mr. Secondine:

Pursuant to a Grievance Committee Resolution of June 28, 1976, a General Council of the Delaware Tribe will be held July 17, 1976, at Dewey, Oklahoma. One of the items of business is the recall of Business Committee Members for Misconduct in Office. The following allegation has been charged against you.

Notice is given to you to attend this General Council and to prepare any defense you might have to this charge. At that time, the Delaware General Council will pass judgment upon the allegation.

Sincerely,

Scott Secondine,
Vice Chairman



ENCLOSURE

NOW COMES the Grievance Committee of the Delaware Tribe
and INFORMS you as to the following charges of MISCONDUCT:

HENRY SECONDINE

I.

Using your position to circulate a Petition to retain yourself
in your present paying position along with the Tribal Chairman
Attorney Townsend.

II.

Gross negligence in Office in that no other governmental funds
have been secured by you for any other programs, except attempt-
ing to refund yourself.

III.

Deliberately aid and abet the publishing of Tribal Newsletters
when you had knowledge that they contained false and erroneous
information.

HENRY A. SECONDINE
CHAIRMAN & BUSINESS MANAGER
125 SOUTH PECAN
OWATA, OKLAHOMA 74048

NATHAN YOUNG III
TREASURER
411 E. ROSS
LEQUAH, OKLAHOMA 74464

DHN J. JOURNEYCAKE
MEMBER
1606 S. 69th. E. AVE.
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BRUCE MILLER TOWNSEND
CHAIRMAN
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228 N. BUCY
BARTLESVILLE, OKLAHOMA 74003

LEO H. JOHNSTONE
MEMBER
1830 MOONLIGHT DRIVE
BARTLESVILLE, OKLAHOMA 74003

July 5, 1976

Dear Mrs. Crow:

Pursuant to a Grievance Committee Resolution of June 28, 1976, a General Council of the Delaware Tribe will be held July 17, 1976, at Dewey, Oklahoma. One of the items of business is the recall of Business Committee Members for Misconduct in Office. The following allegation has been charged against you.

Notice is given to you to attend this General Council and to prepare any defense you might have to this charge. At that time, the Delaware General Council will pass judgment upon the allegation.

Sincerely,

Scott Secondine,
Vice Chairman

ENCLOSURE

RECEIVED
JUL 9 1976
IN TRIBAL
OPERATIONS



NOW COMES the Grievance Committee of the Delaware Tribe
and INFORMS you as to the following charges of MISCONDUCT:

MARY CROW

I.

Wrongfully, maliciously and flaselly report the Minutes of the Business Committee Meetings to the benefit of the Chairman, your own brother.

II.

Refuse to provide the Business Committee Minutes of October 28, 1976, to the BIA within a reasonable time as requested, when you knew such Minutes were damaging to the Chairman, your brother.

III.

Wrongfully, maliciously, and falsely record the April 5, 1976, Resolution calling for a General Council when you knew such resolution called for a vote on your brother's attorney contract.

IV.

Wrongfully use T. G. D. P. funds to send out a Newsletter on May 13, 1976, without first presenting the Newsletter to the Business Committee and editorializing the Newsletter to the benefit of your brother, the Chairman.

Tribal Government Services
Through: Acting Chief, Division of Tribal Government Service
Director, Office of Indian Services

Tribal Relations Specialist

JUL 06 1978

6-28-78 Special Meeting of Cherokee-Delaware Business Com
Bartlesville, Oklahoma

On 6-21-78, Tribal Chairman Bruce Townsend, met in Washington, D. C. with Ted Kranzke, Director, Office of Indian Services, to discuss the content of a proposal he planned to submit to a special meeting of the Delaware Business Committee scheduled for 6-28-78 at Bartlesville, Oklahoma. At the 6-21 session, Mr. Townsend requested that the Commissioner send a staff member from the Washington Office to attend the 6-28 business committee meeting for the purpose of observing its conduct. In view of the prolonged controversy surrounding the affairs of the tribe, Mr. Kranzke agreed to comply with such request and then arranged for me to perform that role.

Mr. Dennis Springwater, from the Muskogee Area Office, and Tahlequah Agency Superintendent Joe Parker accompanied me to the meeting.

Written notices, as well as telephone calls, were given to all members of both the business committee and the grievance committee on 6-23 announcing the 6-28 special meeting. All seven members of the business committee attended, however, only three of the five grievance committee members were present. About 40 or 50 others were on hand to observe; most of whom are tribal members representing the anti-Bruce Townsend viewpoint.

From the beginning of the session, attempts were made by certain members of the audience to express their views regarding what they consider to be the chairman's action to thwart efforts to hold a general council meeting. Mr. Townsend stated that it was his policy to avoid resorting to executive sessions of the business committee, but such interference may force him to limit attendance to tribal officials.

After action to correct certain errors in the minutes of the May 11 meeting, the chairman read a prepared statement proposing that the committee call 4 regional meetings for the sole purpose of informing tribal members regarding the issues now confronting the tribe, i.e., status of the Weeks case, proposed attorney contracts and proposals to amend the bylaws. Such meetings would take the place of the general council meeting earlier scheduled for July 17.

He called for an end to town-hall type meetings and stated that he would not now or ever call a general council meeting in that such session would deny out-of-stats and other members the right to vote on issues of vital concern to them. Rather, he proposed the holding of a referendum vote subsequent to the informational meetings in order to provide an opportunity for all voters to cast ballots, whether in person or by absentee procedures.

Mr. Journeycake announced that 30 day advance notices have already been posted calling for the July 17 general council meeting. He was unable to satisfy Mr. Townsend's request as to what authority empowered Mr. Journeycake to exercise responsibilities which are specifically delegated to the chairman by the tribal bylaws.

In spite of attempts by the chairman to prohibit discussion by non-committee members, Mr. Chris White spoke loud and clear from the audience that "there will be no further meetings of the business committee unless the July 17 general council meeting is conducted". At that point Mr. Townsend asked that I convey to the Commissioner his request for adequate security to permit the holding of subsequent meetings of the tribal governing body.

The chairman then presented a motion, seconded by Mr. Johnstone, that the July 17 general council meeting not be held. It passed by a vote of 4 to 3.

Because of the mounting pressure on the part of the audience for an opportunity to address the committee, a motion was passed to permit interested persons to present their views for no longer than 5 minutes each. While most of the speakers attempted to express themselves in clear, concise statements, it was obvious they were about to explode from frustration. Many of them spoke for the purpose of attempting to convey to the Washington Office what they feel to be a hopeless situation. They clearly stated they no longer want Mr. Townsend to be chairman and cited examples of what they view as conflict of interest, dictatorial behavior, and manipulation of 3 committee members.

Mr. Chris White, appeared to be the leader of the anti-Bruce Townsend forces present. He is the one who was elected to chair the May 15 general council meeting which was later considered invalid by the Commissioner.

In response to a question directed to me concerning removal procedures, I reviewed for one of the grievance committee members the provisions of Section 5(B) of the bylaws.

Following a 4 to 3 vote favoring Mr. Townsend's motion to hold the 4 informational meetings, the committee voted to take a short recess. During that interval, the 3 members of the grievance committee convened a meeting and attempted to initiate removal action by passing a resolution requesting the chairman to call the July 17 general council meeting. Attempts to present such resolution to the chairman when the meeting resumed, fell on deaf ears. Further efforts



to conduct business became increasingly difficult. At one point an argument between a woman in the audience and the secretary-treasurer resulted in a slight altercation. The secretary-treasurer, Mrs. Crow (a sister to Bruce Townsend), received only a slight back scratch and ran from the room threatening to call the police. Because of the heated emotions, the meeting was then adjourned.

At the request of the grievance committee I answered further questions about the mechanics of the removal process. They then adopted another resolution for submission to the chairman on June 29. It provided that the Commissioner would be requested to call a July 17 meeting of the general council for removal purposes if the chairman failed to do so by July 1. This is in line with Sec. 5(B) of the bylaws. Mr. Townsend interrupted two different times and objected to my meeting with them. I assured him I would meet with him privately just as soon as I finished.

A few minutes later, Mr. Townsend invited his supporters on the committee to join he and I in a discussion (Mrs. Crow, Mr. Johnstone and Mr. Secondino). Bill Sampson, a reporter from the Tulsa Tribune, was there for part of the session. Mr. Townsend announced that the referendum, on the issues to be explained at the 4 informational meetings, will be conducted on August 21. Dennis Springwater of the Area Office, then entered the meeting.

Regarding the associate attorney contract, Mr. Townsend was not aware of the limitations placed on the initial Clyde Watts contract by the 2-28-75 Area Office approval letter. I showed him a copy which indicated that a copy had been sent to him. However, he could not find it in his files. He acknowledged that this information casts a different light on the subject. Further, he was not aware of the specifics of the Commissioner's March 10 letter regarding the associate attorney contract and was pleasantly surprised when I pointed out to him the reference to a provision in Sec. 3 of his own contract which permits the employment of an associate attorney without the need for general council action.

In response to questions about his proposed schedule of meetings, I told Mr. Townsend of the Commissioner's responsibility to support the tribal bylaws and that what Mr. Townsend is proposing conflicts with provisions in that document.

(Sgd) Leslie N. Gay

for Bob Farring

201 DENVER BUILDING, 7TH AND DENVER
TULSA, OKLAHOMA 74119

MARY TOWNSEND CROW

SECRETARY
ROUTE 3

BARTLESVILLE, OKLAHOMA 74003

DELAWARE TRIBAL BUSINESS COMMITTEE

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DON WILSON

MEMBER
228 N. BUCY

BARTLESVILLE, OKLAHOMA 74003

LEO H. JOHNSTONE

MEMBER

1830 MOONLIGHT DRIVE
BARTLESVILLE, OKLAHOMA 74003

June 28, 1976

ENRY A. SECONDINE
IRMAN & BUSINESS MANAGER
125 SOUTH PELCAN
WATA, OKLAHOMA 74048

NATHAN YOUNG III
TREASURER
411 E. ROSS
EQUAH, OKLAHOMA 74464

HN J. JOURNEYCAKE
MEMBER
1606 S. 69th. E. AVE.
LSA, OKLAHOMA 74112

NCE COMMITTEE:

Barnes
ian
204
Ok. 74051

ondine
Chairman
50th E. Ave.
74112

ise Watters
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x 525
Ok. 74022

t. Thompson
nber
535
Ok. 74349

C. Young
nber
ale, Apt. 22C
74135

RESOLUTION OF THE DELAWARE TRIBAL
GRIEVANCE COMMITTEE

Whereas, the Chairman of the Delaware Tribal Business Committee on 6-23-76 did issue notices to all members of the Business Committee and the Grievance Committee inviting both entities to a special meeting to be held on 6-28-76 and

Whereas, a majority of the Grievance Committee (3 of the 5 members) were present and,

Whereas, a number of complaints have been received requesting recall of members of the Business Committee and,

Whereas, a majority of the Grievance Committee (3 of the 5 members) did convene a meeting of the Grievance Committee determined there is a proper showing pursuant to Sec. 5 (B) of the tribal bylaws,

Now, therefore, be it resolved that the Chairman of the Delaware Business Committee is hereby requested to call a general council meeting of the tribe, for July 17, 1976 as he is required to do by Sec. 5 (B) of the bylaws, to act upon the complaints of misconduct in office.

Be it further resolved that if the Chairman fails to call such meeting by July 1, 1976 the Commissioner of Indian Affairs is requested to exercise his responsibility set forth in Sec. 5 (B) and call such meeting.

Be it further resolved that a copy of this resolution shall be mailed to the Commissioner, Area Director and members of the Oklahoma Congressional Delegation.

Scott Secondine
Scott Secondine, Vice Chairman
Mary J. Watters
Mary J. Watters, Secretary
Wathene Young
Wathene Young, Member

Memo For The Record

6-24-76

From: Bob Farring

Subject: Cherokee-Delaware Flap



@ 8:34 AM

On 6-23-76 Bruce Townsend met in Washington, D.C. with Ted Krenzke, Bob Pennington and Bob Farring. He presented his views regarding the handling of the issues needing attention by the tribal membership. He pointed out the various injustices of holding a general council meeting, such as many out-of-state persons who would not be able to attend & this would make the tribe subject to court action because it denied them their right to participate in the governing process -- etc. We reminded Bruce of recent court cases recognizing Indian tradition & custom in the holding of elections, meetings & other governing functions. He admitted this was true but felt a referendum (mail out type of vote) should be used even if the bylaws did not specifically provide for it. When reminded of the express provisions for the holding of a general council meeting set forth in the bylaws, he brushed it aside as less

important than giving all members an opportunity to consider the pending issues. He told of a Special meeting of the business committee scheduled for Monday, June 28 at which he intends to set in motion his plans for the following events:

- ① Hold a series of informational meetings at various locations to explain to the membership the attorney, contract issue, the status of the Weeks case & possible modification of the bylaws.
- ② Schedule a referendum for mid August to vote on the above issues rather than hold the July 17 general council meeting.

Bruce accepted Ted Krenke's offer to provide at the June 28 mtg. an observer from the Central Office. In response to Bruce's proposal, Ted reminded him of the importance of compliance with the tribal bylaws.

At the meeting, Bruce submitted to Ted the Commissioner's copy of his appeal from the Area Directors June 15 letter which disapproved the proposed Associate Attorney Contract. The original of such appeal was mailed to the Area Director on 6-22-76. When asked whether he had received a rejection from the Area Office



regarding his proposed contract, he said he had received nothing since the Commissioner's June 11 response to his earlier appeal.

Following the meeting, I checked with Dennis Springwater and learned that the Area Office had neglected to respond to Bruce on the other contract proposal regarding its merits. He agreed to prepare a letter that would disapprove it on the basis of it constituting a new contract because of an increase in fees + expenses -- thus requiring action by the general council.

Bob Jarrow



RESOLUTION REVILING BY-LAWS UNDER WHICH THE DELAWARE TRIBAL BUSINESS COMMITTEE SHALL SPEAK AND ACT IN BEHALF OF THE DELAWARE TRIBE OF INDIANS.

WHEREAS, on September 7, 1958, the Delaware Tribe of Indians meeting in General Council enacted the document designated "Resolution Establishing By-Laws Under Which the Delaware Tribal Business Committee Shall Speak and Act in Behalf of the Delaware Tribe of Indians," which was signed by H.L. McCracken, Chairman of the Delaware Tribal Business Committee, Bruce M. Townsend, Vice-Chairman of the Delaware Tribal Business Committee, Paul F. Fickinger, Area Director and Presiding Officer and Marie L. Wadley, Tribal Affairs Officer and Secretary Pro-Tem, which was subsequently approved by James Officer, Commissioner of Indian Affairs on the 31st. day of May, 1962, and

WHEREAS, it is the intent and desire of the individual members of the Delaware Tribe of Indians duly assembled at Dewey, Oklahoma on the 6th. day of July, 1974, pursuant to a call and public notice of a General Council Meeting given by the Delaware Tribal Business Committee consisting of Bruce Miller Townsend, Chairman, Nathan H. Young, Vice-Chairman, Henry A. Secondine, Business Manager, Mary L.K. Townsend Crow, Secretary-Treasurer, and Yeoman A. Scott, Jr., to revise the Resolution dated September 7, 1958, above mentioned as herein-after resolved.

BE IT THEREFORE RESOLVED THAT:

The Resolution establishing By-Laws dated September 7, 1958, be and they are hereby ratified and affirmed except as may be superceded by this Resolution.

PART I - TRIBAL MEMBERSHIP

- A. Membership in the Delaware Tribe of Indians shall be limited only to those persons who meet or whose lineal ancestors meet the qualifications for participation for distribution in Indian Claims Commission Docket No. 72 & 298 as specifically stated in 25 United States Code Section 1292 (a), (b) and (c) (1) (excluding members of the Absentee Delaware Tribe of Western Oklahoma).
- B. Members of the Delaware Tribe Of Indians shall be issued a voter registration card showing name, address and registration number.
- C. Eligibility for voting in tribal election shall be limited only to persons 18 years of age ^{or over} _{by} September 30 of each election year and who meet the above qualifications as members of the Delaware Tribe of Indians.



PART II - BUSINESS COMMITTEE AND GRIEVANCE
COMMITTEE COMPOSITION AND VOTING PROCEDURE

- A. Voting shall be by secret ballot to be cast by voting at the polling place or by absentee ballot.
- B. The Polling Place shall be designated by the Delaware Tribal Business Committee at least 30 days before each election and notice thereof shall be given. *Until changed by the* the polling place shall be 108 S. Seneca, Bartlesville, Okla. *by the*
- C. Qualified voters shall present their Voter Registration Card to the Election Committee at the polling place between the hours of 9:30 A.M. and 5:00 P.M. on the voting date designated by the Delaware Tribal Business Committee and shall be issued one (1) vote to place in the ballot box there provided. This ballot box shall be locked and shall remain locked until 5:00 P.M. of the election date. The key thereto shall be kept by the Chairman of the Election Committee.
- D. Absentee ballots shall be obtained by a letter signed in accordance with the Delaware Registration Card and addressed to the Election Committee at such address as may be later designated by the Delaware Tribal Business Committee, requesting an Absentee Ballot and shall state that the requesting person shall not be in attendance at the polling place on the election date. Absentee ballots shall be mailed not earlier than thirty (30) days prior to the election date. A limit of one (1) ballot shall be mailed to each person making request therefor. Absentee ballots must be mailed by the United States Mails *so as to* be received at 108 South Seneca, Bartlesville, Oklahoma, 74003 before 5:00 P.M. on the election date in order to be counted. Absentee ballots must be mailed as herein stated in order to be counted. * *

The Election Committee shall count all the ballots immediately, commencing at 5:01 P.M. on the election date.

- E. The number of officers of the Delaware Tribal Business Committee shall be increased from 5 to 7. 4 members shall constitute a quorum for the official transaction of tribal business. The officers of the Delaware Tribal Business Committee shall be the Chairman, Vice-Chairman, Secretary, Treasurer and 3 other members.

- F. The Delaware Tribe Of Indians shall elect the Delaware Tribal Business Committee and the Delaware Tribal Grievance Committee by secret ballot and those 7 persons receiving the greatest number of votes shall serve on the Delaware Tribal Business Committee and those persons receiving the next 5 greatest number of votes shall serve on the Delaware Tribal Grievance Committee.
- G. The voters shall specifically vote for one member to be the Chairman of the Delaware Business Committee. No one member of the Delaware Tribal Business Committee shall hold more than one of the four designated offices, i.e. Chairman, Vice-Chairman, Secretary or Treasurer. The first meeting of the Delaware Tribal Business Committee shall be called by the Chairman within 10 days after the election date and said Business Committee shall elect persons to fill the office of Vice-Chairman, Secretary & Treasurer. Simultaneously, the Chairman of the Delaware Tribal Business Committee shall call a meeting of the Delaware Tribal Grievance Committee and said Grievance Committee members only shall elect persons to fill the offices of Chairman, Vice-Chairman, Secretary and such other officers as the Grievance Committee shall see fit to create.

In the event a person was elected to the Delaware Tribal Business Committee but preferred to serve on the Delaware Tribal Grievance Committee, he shall have the right to forfeit his membership to the Delaware Tribal Business Committee and thereby become a member of the Delaware Tribal Grievance Committee. Should such a forfeiture occur, the person certified by the Election Committee as having the 8th. highest votes cast in the entire election shall thereby become a member of the Delaware Tribal Business Committee.

In the event there failed to be 12 candidates who file for office, or should a member of either Business Committee or Grievance Committee resign, die, or otherwise become incapable of serving, such vacancy shall be filled by a majority vote of the elected members of the Delaware Tribal Business Committee

If and in the event the certification of election of any candidate is questioned in a Court of Law, the remaining elected members of the Committee shall appoint a person to fill that vacancy until said questioned election has been finally determined. If the entire election should be similarly questioned, then the Business Committee and Grievance Committee previously elected shall continue to hold office until said election has been finally determined by said Court of Law.



Any member of the Delaware Tribal Business Committee missing 3 consecutive Business Committee meetings without receiving an excused absence vote from the remaining Business Committee members shall automatically have forfeited his membership to the Business Committee whereupon the Chairman shall declare a vacancy and it shall be filled by a majority vote of the remaining Business Committee members until the next General election.

H. 8. Election Committee

The election committee shall consist of 5 persons appointed by the Delaware Tribal Business Committee. The Delaware Tribal Business Committee shall designate the Chairman, Vice-Chairman, and Secretary. The duties of the Election Committee shall be (1) to mail absentee ballots, (2) to oversee the polling place on election day, (3) to count cast and absentee ballots immediately upon closing of the polls on election day (4) and issue written certificates of election following the final vote count. The Election Committee shall retain all ballots until 5:00 P.M. of the 3rd day following the election day. Any Candidate may demand a recount of ballots until 5:00 P.M. of the 3rd day following election day provided he, in writing to the Secretary of the Election Committee specify the reasons for the recount and post a \$100.00 cash bond with the Secretary of the Election Committee to pay for cost of same. Cost of said recount shall be determined by a majority of the Election Committee.

I. 6. (1). Election shall be held on the 1st. Saturday of November of each 4th. year starting in 1974. Each succeeding 4th. year shall be designated as the election year.

(2). Persons who are to become candidates for election to the Delaware Tribal Business Committee and Delaware Tribal Grievance Committee shall file a Declaration of Candidacy at the Tribal Office on or before September 1 of each election year. Forms may be provided by mail but a prospective candidate can prepare his own Declaration of Candidacy provided he provides the following information in writing.

1. Full name
2. Address (Residence and business if applicable)
3. Telephone (Residence and business if applicable)
4. Gender and age
5. Delaware voter registration card number
6. Educational background and diplomas or degrees conferred (if applicable)
7. Civic & Fraternal affiliations (if applicable)
8. Business, profession or occupation
9. A promise to support the By-Laws ^{as amended July 6, 1974} and best interests of the Delaware Tribe of Indians.
10. A promise to attend every meeting of the Business Committee to which he is elected unless absent for good cause.

In all other respects the September 7, 1958 By-Laws shall Remain as drawn where consistent with this Amendment to said 1958 By-Laws.

Leo H. Johnstone
Leo H. Johnstone
Chairman of the July 6, 1974
Delaware Tribe of Indians
General Council

ATTEST:

DELAWARE TRIBAL BUSINESS COMMITTEE

Mary L.K. Townsend Crow
Secretary-Treasurer

Spencer Miller Brown
Chairman

W. H. [unclear]
Vice-Chairman

Henry A. Serardine
Member

Norman A. [unclear]
Member

Approved pursuant to authority delegated by the Commissioner of Indian Affairs in 10 BIAM 3.1.

Norman J. [unclear]
Area Director
Bureau of Indian Affairs
Muskogee Area Office
Muskogee, Oklahoma

SEP 30 1974

Date

Adopted September 7, 1958

RESOLUTION ESTABLISHING BY-LAWS UNDER WHICH THE DELAWARE TRIBAL BUSINESS COMMITTEE SHALL SPEAK AND ACT IN BEHALF OF THE DELAWARE TRIBE OF INDIANS.

WHEREAS, it is expensive and inconvenient for the individual members of the Delaware Tribe to meet in General Council for the transaction of all tribal business; said tribal business has heretofore been administered through an administrative body designated The Delaware Tribal Business Committee,

WHEREAS, it is the intent and desire of the individual members of the Delaware Tribe, 21 years of age and over, to define the manner under which the Delaware Tribal Business Committee shall represent, speak and act for the individual members of the Delaware Tribe on matters affecting the properties and general business of the Tribe,

WHEREAS, the Delaware Tribe has not heretofore through means of written documentation defined the mechanics under which said Committee shall be elected and function,

NOW BE IT THEREFORE RESOLVED THAT:

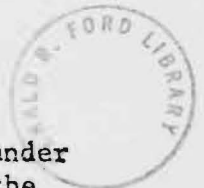
Section 1 (A). The Delaware Tribal Business Committee shall consist of a Chairman, Vice-Chairman, Secretary-Treasurer, and two members, all of whom shall be elected by secret ballot and who shall serve for a period of four years.

(B) Three members of the Delaware Tribal Business Committee shall constitute a quorum for the official transaction of tribal business.

Section 2. No person shall be a candidate for membership in the Delaware Tribal Business Committee unless he shall be a member of the Delaware Tribe by blood and shall be at least 25 years of age.

Section 3 (A). The first election of a Tribal Business Committee under this Resolution shall be called and supervised by the Area Director of the Muskogee Area Office or his authorized representative in accordance with election procedures outlined by him. Thereafter, elections shall be held every four years in July prior to the expiration of the terms of office of the members of the Delaware Business Committee. The date and place shall be designated by the Delaware Tribal Business Committee, and thirty (30) days prior to the election, public notice shall be given. The terms of office of members of the Delaware Tribal Business Committee shall be for four years, or until their successors are elected, qualified and installed.

(B) Regular elections shall be held every fourth year commencing from the year 1958 A.D. Nominations shall be made from the floor. Election shall be by secret ballot, a plurality vote being necessary to elect. The newly elected officers shall be installed immediately upon their election.



(C) If the Delaware Tribal Business Committee shall fail to give appropriate notice of the election, or in case a regular election shall not be held as in Section 3 of this Resolution, the Commissioner of Indian Affairs or his authorized representative shall call such an election and shall give thirty (30) days' notice, setting the time and place of the election.

Section 4. Vacancies in any elective office shall be filled at any regular or special meeting of the Delaware General Council, providing that proper notice has been given.

Section 5....The Delaware Tribal Business Committee is hereby empowered to appoint subordinate committees and representatives; to transact business of the Delaware Tribe, including the management or disposition of tribal property and the expenditure of tribal funds; and such additional business of the Tribe as the Delaware General Council may see fit to delegate to the Delaware Tribal Business Committee from time to time by appropriate resolution; provided, however, that any ordinances passed by the Delaware Tribal Business Committee governing membership, future membership or the loss of membership, shall be subject to the approval of the Delaware General Council, and, so long as the affairs of the Delaware Tribe are under the general supervision of the Federal Government, of the Commissioner of Indian Affairs or his authorized representative

Section 5 (A). A Grievance Committee, consisting of five persons of Delaware Indian blood, shall be elected by the General Council, and shall not include any members of the Delaware Tribal Business Committee. The term of office of the Grievance Committee shall be for four years and the members shall be elected at the same time and in the same manner as that provided for the election of the members of the Delaware Tribal Business Committee.

(B) The Grievance Committee shall investigate complaints of misconduct or other acts of the members of the Delaware Tribal Business Committee and upon a proper showing shall request the Chairman to call a special meeting of the Delaware General Council to act upon such complaints. In the event the Chairman refuses or fails to call such a meeting the Grievance Committee shall advise the Commissioner of Indian Affairs or his authorized representative, who shall call the special meeting of the Delaware General Council for the purpose of hearing and acting upon such complaints. Such Council shall have power, by a majority vote, after giving the accused a hearing, to clear him of the charges; or to remove him from office, if guilty, and proceed to elect a successor, except if a member of the Delaware Tribal Business Committee fails to or refuses to attend two regular meetings in succession unless excused due to illness or other causes for which he cannot be held responsible, or shall be convicted of a felony, or a misdemeanor involving moral integrity, his office shall be forfeited automatically, and a special election shall be called by the Chairman of the Delaware Tribal Business Committee for his replacement, in accordance with Section 4 of this Resolution.

Section 6. It shall be the duty of the Chairman of the Delaware Tribal Business Committee to preside at all meetings and perform all duties appertaining to the office. He shall exercise all authorities delegated to him and he shall be entitled to a vote on all questions.

Section 7. In the absence of the Chairman of the Delaware Tribal Business Committee, the Vice-Chairman shall perform the duties of the Chairman, assuming all the privileges, duties and responsibilities of the Chairman.

Section 8 (A). The Secretary-Treasurer shall correctly record all proceedings of all meetings and shall forward copies of the minutes of all meetings to the Area Director and to the Commissioner of Indian Affairs. He shall be responsible for the prompt and efficient handling of all correspondence pertaining to the Business of the Council. He shall make out the order of business for the Chairman; shall notify all committees of their appointments; shall have custody of the records and all papers of the Council which records and papers shall be open to inspection at any reasonable time, in his presence, by any members of the Council desiring to review them. He shall keep a correct list of all members of the Council, shall authenticate all accounts or orders of the Council, and in the absence of the Chairman and the Vice Chairman, shall call the meeting to order until a Chairman Pro-Tem is selected. He shall render a written report at the annual meeting and at the expiration of his term of office, records and all papers in his possession shall be turned over to his successor. He shall issue notices of all meetings and conduct all general correspondence, as directed by the General Council or the Tribal Business Committee. He shall keep all tribal monies entrusted to his care in a special account and all disbursements therefrom should be made by check. He shall keep an accurate account of receipts and disbursements of all such tribal monies and make appropriate reports to the Delaware Tribal Business Committee and to the Delaware General Council at its annual meetings. The accounts and records of the Delaware Tribal Business Committee and the General Council shall be open at all times for inspection and audit by the Commissioner of Indian Affairs or his authorized representative.

(B) The Secretary-Treasurer shall file a surety bond satisfactory to the Tribal Business Committee and to the Commissioner of Indian Affairs or his authorized representative. The cost of such bond shall be paid from tribal funds.

Section 9. Special meetings of the Delaware General Council may be called at the discretion of the Chairman, and shall be called by him at the request in writing of the majority of the Tribal Business Committee, or by a written request of thirty per cent of the members of the General Council.

Section 10. The regular meetings of the Delaware Tribal Business Committee shall be held at a place and time to be determined by the Chairman, with proper notice to the members of the Committee during the months of January, April, July and October unless otherwise provided by Resolution.

Section 11. Special meetings of the Delaware Tribal Business Committee may be called by the Chairman at his discretion and shall be called by him upon the written request of a majority of the Business Committee.

Section 12. All meetings of the Delaware General Council and the Delaware Tribal Business Committee shall be conducted in accordance with Robert's Rules of Order.

Section 13. This Resolution may be amended by a majority vote of the qualified voters of the Delaware Tribe of Indians of Delaware blood at an election called for the purpose by the Delaware Tribal Business Committee. It shall be the duty of the Chairman of the Delaware Tribal Business Committee to call such an election or referendum at the request of a majority of the Delaware Tribal Business Committee, or upon presentation of a petition signed by at least thirty per cent of the qualified voters, members of the Delaware Tribe: PROVIDED that not less than thirty days' notice of such meeting and proposed amendment shall be given to the members of the Tribe directly by mail, if feasible, and by appropriate publication throughout the communities in which the Tribal members reside.

The foregoing resolution was duly adopted this 7 day of Sept, 1958

W. M. L. ...
Chairman, Delaware Tribal Business Committee

... M. ...
Vice-Chairman, Delaware Tribal Business Committee

This is to certify that there were approximately 350 of the adult members of the Delaware Tribe at the above General Council meeting; that there were 2 opposing votes and a few not voting on the above resolution, and the resolution was therefore adopted,FOR, 132 votes.

Paul ...
Area Director and Presiding Officer

Maria R. Wadley
Tribal Affairs Officer and Secretary Pro-Tem