

December 28, 2004

Election Committee
Little Shell Tribe

RE: Election Candidate Eligibility Protest

Election Committee:

I am writing to the election committee to protest the approval of James Parker Shield as valid candidate for tribal Vice President. This protest is based on the following violation of the 2004 election Nominee/Candidate Regulations posted on the tribal official web page (www.littleshelltribe.us) and violations of the tribal constitution Article I, Section V (amended January 20, 1999, filed with Secretary of State Mike Cooney):

Violation 1- James Parker Shield is a convicted felon; which is a direct violation of Mandatory rule e), of the Nominee/Candidate Regulations: *Witch reads "Have no felonies or pending judgments against them in any court of law within local/state/federal/ or tribal"*. The proof of these felonies is well documented in the tribal council meeting minutes and his eligibility was protested in the 1994 and 1996 elections. Mr. Shield also admitted to this fact as reported in an article in the February 12, 1997 The Great Times newspaper, titled "*Little Shell Remove Shield*" (attached). The following is an excerpt from the news article "*In answer to questions about the constitutional issue regarding felonies, Shield said, " I served two years on the council as an ex-convict. Now you bring it up again- it's too late."*

Violation 2- As an admitted felon, Mr. Shield cannot take office, because it would be a direct violation of the Little Shell Constitution Article I, Section V amended on January 20, 1999 to read "*If a council member shall die, resign, or is not able to represent the best interest of the Tribe, is found guilty of a felony or misdemeanor involving dishonesty in any Indian, State or Federal Court, the Executive Committee shall declare the position vacant and shall call a special election to fill the vacancy."*

Violation 3- By Mr. Shield being removed as tribal Chairman on February 11, 1997 for the following reasons (taken from Minutes of Special Meeting of the little shell tribal Council, dated February 11, 1997):

1. The constant turmoil caused by Mr. Shield within the Tribal Council.
2. Harassing Phone calls from our own Tribal Members concerning some things James Parker Shield is doing and has done without consulting the Tribal Council.
3. A lack of confidence in James Parker Shield leadership.
4. Too much stress brought about by Mr. Shield.
5. Mr. Shields divisiveness

6. Mr. Shields' lack of communication with other Tribal Council Members, and his failure to inform the Tribal Council on decisions he made without Council's approval.
7. Mr. Shield, the council feels is not a team player.

Mr. Shield has clearly demonstrated that he cannot represent the best interest of the Tribe, which is a direct violation the of Little Shell Constitution Article I, Section V amended on January 20,1999 to read “ *If a council member shall die, resign, or is not able to represent the best interest of the Tribe, is found guilty of a felony or misdemeanor involving dishonesty in any Indian, State or Federal Court, the Executive Committee shall declare the position vacant and shall call a special election to fill the vacancy.*”

The Tribal council, who removed Mr. Shield included: John Gilbert, Tobe Whitaker, Tim Zimmerman, Roger Salois and Carolyn Fleury. This council Clearly stated that Mr. Shield is unable or incapable of serving the best interest of the Tribe in court filings Dated July 29th, 1997. Once Mr. Shield was declared as unable to serve in the tribe's best interest and removed from office, he became ineligible to hold tribal office ever again.

Former Council Decisions that Support these Violations:

Mr. Shield's eligibility was challenged in the 1994 elections by Debbie Swanson and her supporters on the grounds of his prior criminal conviction. The council requested legal advice from the National Indian Justice Center on the interpretation of Article I, Section V of the Tribal Constitution, this response was not received by the quarterly meeting that the new council members were to be seated at. The council decided to seat Mr. Shield, in lack of this legal interpretation, the tribal members at this meeting confirmed this decision.

Since there was no legal interpretation given on the 1994 challenge, Mr. Shield's eligibility was challenged again in the 1996 election. This challenge was brought forward by Judy Jacoby, John (Bud) Sinclair and Melvin Swan. Mr. Shield was ultimately seated and removed from office for the above-mentioned issues in Violation 3 before the issue of his ineligibility was settled. Ms. Jacoby also challenged the election committee's right to determine a candidate's eligibility requirement. At the March 8th, 1997 Quarterly meeting (after Mr. Shield's removal) the Constitutional issue was brought up again. After a heated meeting, the issue was finally settled by confirming that the election committee does have the right to determine the candidate eligibility requirements. (Information taken from tribal council meeting minutes and election report prepared by Dr. Robert J. Franklin, Attached)

(Others involved directly with these election protests include Fern Paul, Sarah Schmazoh, Bud Cobell and Fatty Moran. Additionally, Darrel Koke petitioned the council to remove Mr. Shield. All but one of the 18 area reps responded and approved of the removal of Mr. Shield from office, these responses can be provide if requested.)

After Mr. Shield dropped his lawsuit against the tribal council, in which he was trying to have the courts overturn his removal as chairman, in January 1999, the next tribal council amended the constitution to eliminate any doubt that felons cannot hold a tribal council seat(attached).

How these decisions directly relate to the 2004 election:

Violation 1- The 1996 Tribal Council resolution to the election dispute clearly gave the tribal election committee the authority to set candidate eligibility requirements.

2004- correlation- the current election committee clearly developed the candidate eligibility regulations, which excludes any tribal members with a felony from running for office. This was clearly demonstrated by requiring the candidates to pay \$35.00 dollars for a criminal background check. If the election committee knowingly allowed a felon to run for office it would be a direct violation of the Tribal election regulation, even if the felon held office previously.

Violation 2-In 1999 the tribal council amended Article I, Section V to clarify that a tribal member with a felony or misdemeanor-involving dishonesty cannot hold tribal office.

Requested Action by the election committee:

1. Remove James Parker Shield as a candidate, prior to election day (December 11th, 2004).
2. Advertise Mr. Shield's removal as a candidate in the following community news papers; Helena, Butte, Havre, Lewistown, Billings, Great Falls and Spokane, WA.
3. Post an article on the Tribe's web page to notify tribal members of his removal as a candidate.
4. Black out his name on all ballots that are used at the polling locations (if ballots are already delivered, the polling officers can black them out on location.)

Hopefully this matter can be resolved prior to the Election Day. Please notify me directly of your action on this matter. I do not want this matter to derail the election and if it is handled expediently and within the election regulations there should be no impacts to the overall election.

Respectfully,

Darryl Olson