

December 23, 2004

ELECTION PROTEST

Election Committee- As a candidate for office, I am officially protesting the December 11th election. I am requesting that a council of elders be called to here this election protest. I will summarize these issues of protest. The issues are as follows:

1. The election committee did not adequately investigate James Parker Shields back ground to verify if he was a convicted felon: by statements in their decision they failed to officially contact the following individuals with specific knowledge:
 - A. All former council members that over saw proceedings against Mr. Shield.
 - B. Former complainants in previous election disputes with one exception; John (Bud) Sinclair, Judy Jacoby, Melvin Swan and Debbie Swanson.
 - C. Former NARF Attorney, Bob Paraguay
 - D. The election committee also failed to research the tribal records, to review evidence that was used in the 1994 and 1996 elections.
 - E. By Mr. Shield publically admitting that he was a felon, is enough to not allow him to run unless he can provide proof that he was not telling the truth. The election committee allowed Mr. Shield to have a different venue of response then I was. If he was allowed to a direct opportunity to be interviewed I should also have been given the opportunity to make my case verbally. I was also not given the opportunity of rebuttal with the election committee, especially with Mr. Swan whose credibility is in question because of his flip on this issue. It is also illegal to limit my ability to appeal to the council and federal courts, the documented threats of removal as a candidate by this election committee (if I appeal this further) is very close to black mail, In my opinion.
2. To my understanding, the Tribal Constitution was amended in 1999 to specifically limit Mr. Shield ability to run for tribal office again. This election committee failed to adequately investigate and interview all the council members and area reps that supported this amendment. The election committee also did not research the tribal records that pertained to this constitutional amendment.
3. Mr. Shield was removed from office in 1997 for violation of the Tribal Constitution Article VII, Section V, Specifically he was found to not be able to represent the best interest of the tribe. The election committee wrongly allowed Mr. Shield to run in this election because he has been removed from office for this clause and should never be allowed to run for office again. This removal was supported by NARF.
4. The election committee decision on my initial protest was arbitrary to previous council decisions and was thereby a not a valid decision.

5. The election committee did not adequately advertise the election to its members and follow previous election precedence in notifying **all eligible voters** by mail. The Rocky Boy election was just overturned for this reason.

6. The election committee violated the following election regulations and clarifications:

- A. The election committee allowed an publically **admitted** felon to run for office.
- B. The election committee allowed a candidate to run for office that was removed from tribal office for a constitutional violation and there by cannot run for tribal office again.
- C. The election committee allowed a candidate forum, after they publically clarified that there would be no candidate forums allowed during this election.
- D. The election committee mishandled the absentee ballots, this mishandling was not made public until after the election and was contrary to any public announcement that was made prior to the election on December 11th. In other words they changed the rules after the election to cover up their mistakes, which may have impacted the outcome of the election.
- E. The election committee changed the polling station regulations after the election, to make up for there own mistakes which may have impacted the results of the election. The election committee cannot change the rules to cover up its mistakes.
- F. The election committee disenfranchised many tribal voters by:
 - 1) Failing to return every (alleged) request for absentee ballot to members that requested them.
 - 2) Failing to make an adequate effort to notify **all eligible tribal** voters of the election.

7. The election committee is proposing to seat two immediate family members on the council, which appears to be against former tribal protocols, which the election committee needs to research. A reference to this tribal protocol is in the public record.

It appears that this election committee is a ruled by popular vote not by tribal law. We as a tribe have got to abide by our tribal constitution, tribal laws, applicable federal law and former council decisions or we are clearly demonstrating to BAR, NARF, Patton Boggs, State Government, Tribal Governments, Congressional Delegation and our tribal members that we are a tribe of popular vote not of laws. This election directly threatens our federal recognition by this clear violation of our tribal laws and constitution, which is totally transparent to all the above-mentioned entities, which may have a say in our federal recognition. I have been in contact with the office of one of our congressional delegation that has been asked to carry our federal recognition through congress (on a different subject) and they have expressed concerns (unsolicited) with how this election has been handled, but they will reserve judgment until all sides are brought forward. We have to remember that our tribal issues have been aired publically and they know

whom has been removed and for what reasons and they see this flip-flopping by this election committees actions because its the popular thing to do. I know that we are a sovereign nation but we as a tribe have to remember that we are requesting federal recognition and have publically stated that we govern our tribe by our constitution and applicable federal law and the entities above are watching to see if we are or are not. Why would our congressional delegation carry a bill through congress for a tribe that is not following its own laws? Why would other native American tribes support our federal recognition if we do not follow our laws that might be challenged in court, resulting in a degradation of all tribes sovereignty. Why would Patton Boggs continue to work on our recognition if they know that our tribe is not abiding by its laws and may result in damaging their reputation? Why would the State continue to support our tribe when they see that we do not uphold our laws? Why would NARF continue to support our tribe if they know that we are breaching the very criterion for recognition? Why would BAR find in favor of our federal recognition if we violate the very criterion they have established **and last but not least why will our tribal members support a government that will not uphold the laws of our tribe and protect their rights?**

I am not asking to be seated in office over this protest, my ultimate goal is to see this election overturned and a complete new fair election to be held with every eligible voter notified of this election and given equal opportunity to vote. I would also like to see Mr. Shield's eligibility issue settled in a fair manor for all sides, I don't know Mr. Shield personally, I have met him one time in passing. I only know of his past history with the tribe and outside government, which is publically documented. If Mr. Shield is not a felon then why has he admitted it in public? why was he challenged on this issue in the 1994 and 1996 elections? If he truly is not a convicted felon, what does he have to hide? Lets here this issue before a board of neutral elders in a public forum where all members can here all sides. Lets quit trying to hide this issue by threats of removal of candidates. There are many highly regarded tribal members that have brought this issue up before, its not just me!!!

Don't bother to deny this protest, The election committee actions are part of this protest so you are no longer a neutral board. If you as the election committee want to handle this in the best interest of the tribe , now is your opportunity to call the panel of elders to settle this issue within the tribe, once and for all . I am willing to have this issue settled by this board of elders, but all my concerns (favorably or unfavorably) must be address by the board not just a few. This protest is being circulated publically to the tribal members, so that they are aware of my protest and can become involved in the process.

Please contact me to set up the specifics for the board of elders. I will be out of contact until December 27. If an internal board of elders is not convened using the procedures set forth in the election regulations I will be forced to bring this issue before: Keith Beartusk (BIA Regional Director), Montana Office of Indian

Affairs, Montana and Wyoming Tribal Leaders Council, NARF, Montana's congressional delegation and BAR.

Its time we as a tribe settle these issues within our tribe and within our law and provide a forum to our members to bring issues like this forward and quit using the closed doors and high handed methods of settling them. The ball is in the election committee's court, they will decide if this issue is settled internally or externally which may result in a continued divided tribe!!!!

Respectfully,
Darryl Olson