



**NORTHERN CHEYENNE TRIBE  
ADMINISTRATION**

P.O. BOX 128  
LAME DEER, MONTANA 59043  
(406) 477-6284  
FAX (406) 477-6210



**TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE  
NORTHERN CHEYENNE RESERVATION  
LAME DEER, MONTANA**

**SPECIAL SESSION COUNCIL MEETING**

**MINUTES**

September 13, 2007

Called to order: Vice President, Rick Wolfname called meeting to order at 10:50 a.m.  
Invocation: Eugene Beaverheart.

Vice President, Rick Wolfname suggests we need a motion on the floor to appoint a temporary secretary, due to the fact the present Secretary Sharlene Evans refuses to attend meetings. Secretary Evens and President Little Coyote have been informed in writing of date and time of the meeting today. This was in letter form, signed by eight Council Members and delivered two weeks ago to the President, and Secretary.

Motion on the floor by Allen Fisher to temporarily appoint Lori L. Limberhand as acting secretary, to record the minutes for this special session council meeting September 13, 2007. Motion seconded by Alberta Fisher to temporarily appoint Lori L. Limberhand as acting secretary, to record minutes for this special session council meeting. VOTE: 8-0-0. Motion carried.

Mr. Chairman, Steve Kelly: This meeting was called by a series of resolutions that was passed on August 24, 2007 and the Council should consider the agenda.

**AGENDA:**

1. Consideration of any resolution concerning the hearing on the complaint filed By Councilman Dan Carlson.

Allen Fisher makes a motion to add to our agenda payments for our Hearing Officer, Robert Welch and legal Council for Vice-President, Mr. Pachoda. Seconded by Charles Yellowfox. VOTE: 8-0-0. Motion carried.

**LITTLE WOLF AND MORNING STAR - Out of defeat and exile they led us back to Montana and won our Cheyenne homeland that we will keep forever.**

Vice President Rick Wolfname suggests there are four Resolutions that we need to override separately. Allen Fisher makes a motion to override the resolution of the Northern Cheyenne Tribal Council accepting Danny Carlson's complaints seeking the removal of President Eugene Little Coyote and Vice President Rick Wolfname from office, NCT No. 500 (2007). Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Allen Fisher makes a motion to override Resolution NCT No. 501 (2007) A resolution of the Northern Cheyenne Tribal Council setting Thursday September 13, 2007 as the date for the hearing on the complaints submitted by Danny Carlson against President Eugene Little Coyote and Vice President Rick Wolfname. Seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Allen makes a motion to override Resolution NCT No. 502 (2007) a resolution of the Northern Cheyenne Tribal Council authorizing Calvin Wilson to preside as the hearing officer over the September 13, 2007 and further authorizing Allen Fisher to hire a hearing officer should Calvin Wilson be unable to preside over said hearing. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Allen makes a motion to override Resolution NCT No. 503 (2007) a resolution of the Northern Cheyenne Tribal Council approving Attorney/Consultant contract with Steven A. Kelly. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Allen Fisher would like to make a point for the record that this meeting is being held here at the Casino due to the fact the Northern Cheyenne Tribal Chambers was blocked off to us by Security whom was instructed by President Little Coyote and Chief of Police John Grinsell recommended to the Council to hold the meeting/hearing here at the Casino to avoid any physical confrontation.

Vice President Rick Wolfname turns the floor over to the Hearing Officer Robert Welch due to a conflict of interest pertaining to the resolution that is in place for Vice President Rick Wolfnames removal.

Jennie Lou LaFranier makes a motion to recess until Steve Kelly is back in the room; he had to take a phone call. No vote?

Recess at 11:10 a.m.

Meeting reconvened at 11:20 a.m.

Robert Welch, Hearing Officer: Good Morning. I was asked by the Northern Cheyenne Tribal Council to preside as the Hearing Officer over this hearing today. One thing that I am to do as a hearing officer is to make sure that we are in compliance with the Constitution and bylaws of the Northern Cheyenne Tribe that was enacted and ratified May 10, 1996. Approved By Llevando Fisher, President, Secretary Debra Bearquiver, and Acting Superintendent John White of the Northern Cheyenne Agency. Also to strengthen the Constitution, Tribal Council went to as far as to enact Ordinance No. DOI 002 (99) that sets the duties for all individuals participating in hearings. It has hearing procedures for the presiding officer to follow. Up until this point have been duly performed according to the Constitution and the resolution that was passed.

I would like to know who is who, and who is representing who at this hearing today. I know Steve Kelly is acting in the best interest of the Northern Cheyenne Tribe. I know that the Council is seeking to remove the President and Vice President, is that correct. Steve Kelly: Yes. I see that the Vice President Wolfname is represented by counsel, is that correct? Yes. Yes your Honor, my name is Terry Pechota, I'm representing Rick Wolfname along with Tim Lame Woman, and we are jointly representing Mr. Wolfname here today. Is President Little Coyote represented today, and is he here? No. Apparently he is not here to contest our challenge, actions that are presented to Council here today. Ok, with that we will move right along. Do you have opening statements? Steve Kelly: Yes your Honor. For your information I am the Attorney for Council, a former Attorney for the Northern Cheyenne Tribe. I have been hired by the Northern Cheyenne Tribal Council to process a complaint submitted by Councilman, Danny Carlson that has been filed, and that is why we are here today. To hear the complaint and hear the evidence of the parties, being Councilman Carlson and Vice President Rick Wolfname. I don't have much to say in the way of the statements whether or not the President or Vice President should be removed, that will be up to the Council. As you will hear later more in detail, which involves a judgment call by Council. There are things that we should talk about prior to getting into the merits of the case today. A couple of issues were brought up by the Hearing Officer, and one is that the President is not present today to defend the actions against him. I will tell you that we have tried to have five separate meetings, this being the sixth, and the President has avoided all six. He has had every opportunity to be here today. We went to the Tribal Building to try to have a meeting today but, we, the Council, and anyone wanting to attend the meeting, were prohibited by Security from entering the Tribal Chambers, which is why we are here at the Casino today. This by the way, is a civil offense, disorderly conduct, breach of the peace, to prohibit anybody from entering a public place to hold a meeting. I believe some of the people were cited, and the Council decided to take the high road and have the meeting at the Casino to avoid any commotion, I commend the Council for making that decision.

I want to note there are a few pieces of correspondence that followed the Resolutions that was passed on August 24, 2007 from the council that I would like to read. NOTICE

OF SPECIAL MEETING, dated September 10, 2007. To: President Eugene Little Coyote, Vice President Rick Wolfname, and Secretary Sharlene Evans. The letter states: Complaints for the removal of President Eugene Little Coyote and Vice President Rick Wolfname were submitted to Secretary Sharlene Evans and Allen Fisher, the Sergeant-at-Arms for the Tribal Council. The Tribal Council desires to consider the complaint submitted by Councilman Carlson. Thus, the undersigned Councilmen hereby call a special meeting in accordance with Article V, Section 3 of the Northern Cheyenne Bylaws, Article V, and session by doing so "in writing to the President." Northern Cheyenne Bylaws, Article V, Section 3.

The date and time of the extra session shall be Thursday, September 13, 2007 at 9:00 a.m. The place of the meeting will shall be the Tribal Council Chambers in the Littlewolf Capital Building.

The undersigned hereby advise the President, Vice President and all Council members that the purpose of the extra session is to consider the following items:

1. Consideration of any resolutions concerning the hearing on the Complaint filed By Councilman Danny Carlson.

The Council shall consider any action necessary to conduct the hearing. If the business of the Council is finished prior to 10:00 a.m. a recess may be called and the meeting continued until 10:00 a.m. when the Tribal Council shall reconvene to hold a hearing on Councilman Carlson's complaint. A hearing on Councilman Carlson's complaint shall be held at or about 10:00 a.m. on September 13, 2007 as provided in prior notices.

The President and the Vice President are hereby advised that if they do not attend said extra session, the Tribal Council will proceed with the meeting in accordance with the Tribe's Constitution and Bylaws and that they may be removed from office by the Tribal Council or subject to separate charges of "gross neglect of duty."

The Secretary is hereby put on notice that if she fails to attend and perform her duties at the extra session called by this Notice, she may also be subject to charges of gross neglect of duty. Furthermore, if the Secretary does not attend said extra session, the Tribal Council will proceed with the meeting in accordance with the Tribe's Constitution and bylaws. Signed by Alberta Fisher, Jennie Lou LaFranier Joe Fox, Jr., Danny Carlson, Aljo Strange Owl, Charles Yellowfox, Jr., and Matthew Two Moons, Sr.

Steve Kelly: I would also like to read the NOTICE OF HEARING OFFICER. Submitted to President Little Coyote, Vice President Wolfname, and Secretary Evans. Also signed by Members of the Tribal Council. It states:

The undersigned members of the Tribal Council hereby put everyone on notice that the hearing officer for the removal hearing scheduled for Thursday, September 13, 2007 at

10:00 a.m. in the Tribal Council Chambers in the Littlewolf Capital building shall be Robert Welch. Mr. Welch presently sits as a judge for the Fort Peck Tribal Court. Mr. Welch shall serve as the hearing officer as Calvin Wilson is unable to serve as hearing officer as he has a scheduling conflict. Signed by Alberta Fisher, Jennie Lou LaFranier Joe Fox, Jr., Danny Carlson, Aljo Strange Owl, Charles Yellowfox, Jr., and Matthew Two Moons, Sr.

Steve Kelly: The reason why I am reading these is to let everyone be aware that there were notices given ahead of time. The Council has been more than patient in trying to pursue this complaint which has been lingering for approximately two months. The President is not here and it is unfortunate that he is not here. He chooses to not be here and not defend himself. There is a complaint that I'd like to read, a complaint against Eugene Little Coyote and Vice President Wolfname. I will submit both of the complaints to the hearing officer and read the complaint against Eugene Little Coyote, but I won't read the complaint against Rick Wolfname as it is the exact same complaint just the names are different.

I am filing this complaint against Eugene Little Coyote seeking his removal as the President. The grounds of this complaint are:

A. Eugene Little Coyote willfully and intentionally initiated and/or willfully engaged in a physical altercation with the Vice President in the Capital Building during office hours. Mr. Little Coyote's conduct giving rise to or associated with the physical altercation with the Vice President was grossly unprofessional, unbecoming of the Office of the President, and constitutes gross neglect under Article VII, Section 2 of the Northern Cheyenne Constitution.

Eugene Little Coyote has been given a copy of this complaint this date.

Relief requested:

1. I request that the Council meet on Tuesday July 31, 2007 at 10:00 a.m. and accept this complaint and set a removal hearing for August 13, 2007 in order to provide Eugene Little Coyote a fair opportunity to rebut these allegations.
2. I request that the Council ratify all the actions it took concerning Eugene Little Coyote on or about July 19, 2007.
3. I request that Eugene Little Coyote be removed as President for the reasons stated above if the Tribal Council should find that the allegations herein are true and correct.

I swear that the allegations contained herein are true and correct to the best of my knowledge and belief.

Dated the 26<sup>th</sup> day of July, 2007, Danny Carlson, Councilman, Ashland District, Northern Cheyenne Tribe. This complaint was attempted to be served on the President,

by the Sergeant of Arms and another individual with the Sergeant of Arms but, he would not take personal service initially, and he instructed the people in the front office to take the complaint. I, on the other hand personally served the President at the TRO hearing at the Tribal Court and he knows what the allegations are. The President has had sufficient notice of said hearing. Now having read the complaint, the Vice President had acknowledged receipt of the complaint and he has never challenged one meeting. He is here today of his own free will, and made himself available to the process. Vice President Wolfname has cooperated, and I will note that for the record. There are two sections in your constitution that talk about removal and the Council should be apprised of these sections when it hears the evidence that is presented.

The first section is Article VII.

**Section 1. Forfeiture of Office.**

(a) Any officer or councilman found guilty of a felony in any tribal, county, State or federal court shall automatically be removed from office and may not stand for election for three (3) years thereafter.

(b) Any officer or councilman found guilty of a misdemeanor involving moral turpitude in any court shall automatically be removed from office, but such member may stand for nomination and re-election.

**Section 2. Removal from Office.** Any officer or councilman who shall fail to perform the duties assigned to him or shall be guilty of gross neglect may be removed by a two-thirds (2/3) votes of the Tribal Council, after affording the accused member a fair opportunity to be heard in his own defense. The decision of the Tribal Council shall be final.

Councilman Carlson's complaint seeks removal under section 2. That is the standard the Council must go by in making this decision. The other thing that I would like to note is the decision of the Tribal Council is final, that is as to the merits. The other point I'd like to make is, what is the standard of the due process of the Tribe's Constitution? It says this: Any Officer/Councilman cannot be removed until after affording the accused member a fair opportunity to be heard in his own defense. Your Constitution does not necessarily require that those standards be met in a hearing before the Tribal Council. In my opinion, all the procedures have been met. All the notice requirements, resolutions have been passed and the complaint has been filed. The President and Vice President have had ample time to concur. I actually drafted the hearing ordinance for the Tribe when I was the Tribal Attorney eight or so years ago. We are at section three; I believe the hearing section of the ordinance. I will go over this with everyone. Section one is the general section, scope of council review, and then the definitions, etc. Section two has to do with filing and section review. I believe that every one of those provisions has been met in my opinion. Your now at section three, hearing procedure and I will go over this with you so everyone knows what it is. The presiding officer, the President or his designee shall act as the presiding officer over any hearing. The presiding officer is

charged with performing all duties to function necessary determining the matter. The presiding officer is the power of the authority to dismiss a petition if failed to prosecute comply with the order issued by the officer. Filing of papers. Shall be filed with the Secretary. An original and one copy may be filed and any papers filed the secretary must be accompanied by certification that the paper was mailed or otherwise served. The papers were not accepted by the secretary office. The complaints were left at the front desk.

My name is Tim Lame Woman; Good Morning your Honor, welcome back to Lame Deer, also welcome Council and the Community. I will be the legal advocate for the Vice Chair this morning. I am very honored that Rick asked me earlier to assist him in this matter defending against the Council. We represent our case through the testimony of the Vice President himself. This incident happened on July 17, 2007 at the Northern Cheyenne Tribal Office, and we want to let the Council know our client is cooperative and has been from day one. The Vice President did not initiate anything and we will submit that through testimony. He was there to perform his duties as the Vice President, and he does have an office there adjacent to the President's. We want to show through his own testimony that there was physical contact made by the President himself, this is supported by the police reports, and witnesses. The person who initiated the contact was President Little Coyote, and who also caused medical injury to my client. He has cooperated in this matter to try and reach a resolution to it. We want to tell the People here today and the Council, Rick is a decedent of one of our Chiefs, Chief Dull Knife. He comes from a good Chief's family; there are many decedents of Chief Dull Knife here on the Northern Cheyenne. I am a decedent of Chief Little Wolf and I am proud to be standing next to Mr. Wolfname. Because it was our ancestors, and our leaders called Little Wolf and Dull Knife, all of us should know our history of what those two leaders did for our homeland and our people they came through many obstacles, and trials and tribulations. Of all the stories being passed down, read and heard, there was never a time when two leaders squared off with each other. They knew who the common enemy was and they reached our homeland here, that we will keep forever, and it is documented in the Tribal Documents. Out of exile and out of defeat they brought the people home. We have tried to carry on that spirit of leadership, and it is unfortunate what happened, today's leader's need to look at that, and use that type of leadership, in their leadership positions. We are here today to submit that my client, the Vice President did not do anything to initiate this incident. Because of this, he has gone to court, there was been restraining orders on the Council, criminal charges, we have appeared in Tribal Court proceedings. All the restraining orders on the Vice President and the Council have been lifted in Tribal Court. The criminal charges have been dismissed. This morning, the Vice President and the Council were prevented from entering the Tribal Chambers at the Tribal Building to have a hearing, this is going contrary to what was lifted in Tribal Court, this is just another issue that needs to be addressed in Tribal Court. I would like to close and welcome Terry Pechota from Rapid City, Rick Wolfname's Attorney who will be assisting Rick in this matter. We are thankful that the Council is going to give my client Mr. Wolfname a fair opportunity to present his side of the story. We will submit an oath to do that this morning, to tell the truth, the whole truth and nothing but the truth, because there have been a lot of rumors out in the community, a lot of malicious lies and

gossip. My client has been run through the mill so to speak. Rick has had his own family personal crisis to deal with and this has all compounded on his shoulders. He has stood up to this; he has about twenty years of sobriety that has made him strong. Today we are going to set the record straight, and offer you a clear and convincing testimony, and evidence we will present you will arrive at a right and just decision. Thank you your Honor.

Mr. Welch: We will move right into it then. One thing that I have to make sure you understand is it takes two thirds of the vote to remove, so all 11 members have to agree on a removal process. Now that would be all eight, two thirds of the Council here today.

Steve Kelly: Sec. 13-5 of the Hearing Ordinance states; Tribal Council as a whole decide the issue raised by a petition. A quorum must be present to conduct a hearing. Only those Tribal Council members present at all times during the hearing may vote on the decision concerning the petition. So I believe for the record we need to have a roll call before evidence is provided.

Mr. Welch states that a motion needs to be made for a roll call, but I believe I am not the one to make this decision. Steve Kelly: I think a motion needs to be made for a roll call of the members present for the hearing, so as the presiding officer I have a right to ask the Acting Secretary to take a roll call. Mr. Welch, since there was no motion for a roll call we will ask for a roll call by the Acting Secretary.

Roll Call: Lori L. Limberhand, Acting Secretary.

1.	Charles Yellowfox, Jr.	Present
2.	Matthew Two Moons, Sr.	Present
3.	Alfred Strange Owl, Jr.	Present
4.	Joe Fox, Jr.	Present
5.	Allen Fisher	Present
6.	Alberta Fisher	Present
7.	L. Jace Killsback	Absent
8.	Dan Carlson	Present
9.	Jennie Lou LaFranier	Present
10.	Judith Spang	Absent
11.	Rick Wolfname, V. Pres.	Present
12.	Eugene Little Coyote, Pres.	Absent

Quorum: Yes, 9 present 3 absent.

Mr. Welch: Is there any objections? No, your Honor.

There is a complaint for the removal of Rick Wolfname Tribal Vice President and a complaint for the removal of Eugene Little Coyote Tribal President. We have to bear in mind that these are not evidence, this is a vehicle to bring you before this Council, and they become evidence once they are testified to emphasis of these. Parts of the Hearing

Officer's attorney's are hearsay, documents at this point and times are testified to. Is there any objections? No your Honor, by Counsel for Rick Wolfname. Is there anybody here on behalf of Mr. Little Coyote, Tribal President who may want to object to legal counsel? For the record there is no one here, no one raised their hand before this Council, so we will introduce some evidence.

We will proceed. We have the opening statements made by both parties, now it's up to the petitioner to present their case before this court. Thank you your Honor, Steve Kelly: I would like to call up and have sworn to testify Vice President Rick Wolfname. Mr. Welch; Mr. Wolfname, please raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth so help you God. Yes I do. Steve Kelly; Mr. Wolfname, you have sworn to testify. Before I ask too many questions, I do want to inform you that you have a disorderly conduct charge pending against you, and anything you say in this hearing can be used in the charges against you in Tribal Court. Do you understand that? Rick Wolfname: Yes I do. With that I, I am going to ask you to tell this Council in your own words what happened on July 17, 2007 at approximately 9:30 a.m. At Approximately 8:30 a.m. July 17<sup>th</sup>, I made my way down to Charging Horse Casino, in fact to this room here. At that time they were going to have a Land Symposium and I'm sure the Council knows about this. I waited around until 9:10 a.m. and asked some of the members, Wallace Bearchum, who was working on the film projector and I asked him if we were going to have a Land Symposium meeting. At that time Wallace didn't know. So I told them I would go check up at the Tribal Office, I also spoke with the Security Supervisor, Bucky Glenmore. At approximately 9:20 a.m. I made my way up to the Tribal Council building, and I had Eddie Whitedirt with me, he was at the Casino and had asked for a ride to the Tribal building, I said sure. We both left around 9:10 a.m. or 9:15 a.m. As I approached the Administration Office I greeted some people, the Chief Prosecutor, Glenn Littlebird, and Freddie Belly Mule, a community member who had come to see me at that time. Also, Bernadette Shoulderblade, she was there to. I proceeded to walk into the administration office. At that time, I seen Drew Elkshoulder who was coming out of the administration office. I greeted him and told him, Good Morning. I proceeded into the administration office to retrieve my mail, I seen Barbara Spang, and also Carrie Small, I greeted them, got my mail, thinking there must be a memo here to cancel the meeting. I retrieved my mail and Eddie was waiting for me by the doorway. I told him lets go, and I was walking down the hallway, I knocked on Mr. Walks Along's office, at that time he had been out of the office for a couple weeks due to a death in his family, anyway I knocked a couple of times, and walked on by his office, I told Eddie in Cheyenne to get himself some coffee. At that time I seen somebody coming out of President Little Coyote's office, I didn't know who it was as I was reading my mail, I figured it was Drew, they were rushing out, after they got close, it was Eugene and Mr. Little Coyote basically ran into my right shoulder, intentionally ran into me. My papers, my keys and my glasses fell off of me. If you want to look at it more in detail, basically he ambushed me. At that time he knocked me to the side, my papers went flying. I told Eddie in Cheyenne did you see that! It happened so fast, maybe 30 seconds. When he bumped my shoulder, the force of it spun me around, and he hit me in my forehead and physical statements reflect that. In my affidavit I tried to contain him, that is exactly the word I

used, to contain him, and he pushed me into the wall, he pushed me into the trash can. I have a medical statement reflecting an injury to my backside, and back of my head. It happened so fast, I heard someone hollering around and I'm not sure if it was Barbara or Carrie, as I was walking out of there I seen both of them, and Eddie did follow me back out. I immediately went back out to the waiting room, to the administration office. I looked for Glenn Littlebird, to assist me with this, he told me to call the law enforcement, which I requested Barbara to do. At that time, some of the employees were coming around. During the hallway incident I also smelled alcohol on Eugene. And I requested a breathalyzer test to be done by Mr. Bixby; I believe his first name is Darren. In no way did I physically assault the President. At 10:00 a.m. I went to the ER down here, but they were closed off and had to go around to the clinic, but at that time I had my wife take me to the Crow ER, which we did. We got there around 11:00 a.m. Any questions that you have, I will be glad to answer any of them, but to also tell my colleagues, no way have I compromised this hearing, I have cooperated from the get go. I know there has been a lot of speculation and gossip and rumors and I want to set the record straight today, Ha, Ho.

Steve Kelly: Thank you for your response to that question. And because we both don't have a microphone I will ask you real general questions, and ask you to respond. When you tell your story, one thing occurs to me. Why would the President do this? So I would like to know if there was animosity, if there is a history, anything that would shed some light onto why he would just blindside you.

Rick Wolfname: According to the Billings Gazette that came out the following day, it said that there was a misunderstanding! There was no misunderstanding about anything. And the justification that he used at that time was Great Bear. We did discuss that at a council meeting the day before that, but there was no lingering comment about it from him, or myself, nor from the council. He did come out, and I'm not sure what his intentions were, I imagine that he was under the influence of alcohol, that is the reason why I requested the breathalyzer test. That is the only conclusion I can come up with, and with animosity, that is with the entire Tribal council body.

Steve Kelly: Do you think this was intimidation, ploy, completely out of the blue, unexpected. Why would he just come out and run into you?

Rick Wolfname: During some of our Council meetings we've had I would say intimidation packets from the President, not only to my office but to the entire governing body. At one time he cussed at the Sergeant of Arms at one of our meetings. He has come into some of our meetings basically to intimidate my colleagues here. He has his intentions, and basically ambushed me that time. I did file assault charges and also intimidation charges, up until this day it has never been processed. The reason maybe because he has an influence on the prosecution office.

Steve Kelly: Have you talked to the President since the incident?

Rick Wolfname: No, he has filed a temporary restraining order on my office, along with my colleagues and also filed a suit on my office. Basically, I just don't trust the guy.

Steve Kelly: I understand there is a hole in the wall, in the hallway?

Rick Wolfname: Yes.

Steve Kelly: How did that hole get there?

Rick Wolfname: From him swinging me against the wall. I hit the trash can and the trash went up against the wall.

Steve Kelly: How did the altercation end was there interference by a third party to help end it or did he just stop on his own?

Rick Wolfname: No, there was someone hollering around to stop and like I said not sure if it was Barbara or Carrie. But, at that time I left right away.

Steve Kelly: I am handing your Attorney a police report that has been marked up with comments and I want to make

sure if he does not object to me asking questions about it. Mr. Pechota: We do not agree with certain parts of this particular police report and this document is questioned, I don't know how we are going to keep the parts that we will object to and the ones we agree with. I'm not sure if this is an official report of the true events. Steve Kelly: That is my conclusion as well, but if you don't mind I would like to question. Steve asks Mr. Pechota if he can hand out the report to the Council. Mr. Pechota: Yes. Steve Kelly: We will go through this police report, Steve Kelly reads: Rick states there is an inconsistency on the second paragraph. Rick Wolfname: At no time did Al Holds ask me for my statement. When Al Holds arrived, he walked right into the administration office when we told him that I was the victim he did not voluntarily ask me if I wanted to give a statement. At no time did Holds ask for a statement. Rick Wolfname: And the third paragraph, no I did not throw the first punch. Steve Kelly: So what you are saying if I remember correctly is you thought you swung around and he hit you in the forehead, is that correct? Rick Wolfname: Yes. Steve Kelly: The other thing that is inconsistent with this statement to your testimony is the fact that it states there was an exchange of words. Rick: There was no words, but I did talk to Eddie in Cheyenne asking him if he seen what he'd done to me. No words were exchanged from myself or the President. Steve Kelly: You are stating both of those statements are inaccurate? Rick Wolfname: Yes, I did not hit Eugene first in the chin area nor did we exchange words. Steve Kelly: Where was Eddie Whitedirt at the time? Rick Wolfname: He was right there with me, until the police officer took him and interviewed him, I assume in one of the offices. I would like to point out the inconsistency, I also requested for a breathalyzer from Mr. Bixby and he doesn't have it on this report. Steve Kelly: That is all the questions I have. Any questions by the Council. Any questions by the Hearing Officer. Yes. Mr. Welch: was the conversation that you had with the officer, was it recorded? Rick Wolfname: No it wasn't. But there were witnesses around for example when I requested the breathalyzer. Mr. Welch: Is D. Bixby, Algen Young, and Ron Haugen available to testify to this document? Rick Wolfname: I don't know I guess you can request that, but I don't believe so. No I'm requesting them; I'm asking the petitioner if you have these people available to testify to these documents. Steve Kelly: I did not receive this until this morning. But Eddie Whitedirt is here to testify. Mr. Pechota: When you were coming down the hallway and Mr. Little Coyote ran into you, where were your eyes directed. Rick Wolfname: I was looking at my mail and walking down the hallway. Mr. Pechota: Once he ran into you was it perfectly obvious that it was an intentional act? Rick Wolfname: Yes. Mr. Pechota: What happened to the stuff that was in your hand? Rick Wolfname: The papers flew all over the hallway. Mr. Pechota: And when the papers flew out of your hands, then what happened? Did he come after you, after he knocked the stuff out of your hands? Rick Wolfname: Yes, after he swung me around at that time I told Eddie in Cheyenne did you see what he done? He did punch me right above my right eye on my forehead. Mr. Pechota: Did he have you around the neck? Rick Wolfname: Yes. Mr. Pechota: How did you get away? Rick Wolfname: I pushed him away and more than one time, a couple of times to get away from his grasp. Mr. Pechota: When you tried to push him away, did he come after you? Rick Wolfname: Yes. Mr. Pechota: Did you ever hit him with your fist? Rick Wolfname: No. Mr. Pechota: How did it finally get broken up? Rick Wolfname: Like I said, I got away and left the hallway. Mr. Pechota: Now there was a temporary restraining order that he swore

out on you and you had swore out one on him is that correct? Rick Wolfname: Yes. Two days after that, the temporary restraining order was served on me, that evening approximately 6 p.m. or 7 p.m. Mr. Pechota: There was also a criminal complaint sworn out also on you from Mr. Little Coyote, and one out on him from you, is that correct? Rick Wolfname: Yes. Mr. Pechota: And there was a hearing in this matter, correct? Rick Wolfname: Yes. Mr. Pechota: Two or three weeks ago? Rick Wolfname: Yes. Mr. Pechota: Were you at court? Rick Wolfname: Yes. Mr. Pechota: Was Mr. Little Coyote at the hearing? Rick Wolfname: No. Mr. Pechota: What was the outcome of that court procedure? Rick Wolfname: Judge Robinson dismissed the charges. Mr. Pechota: Did that include the disorderly and misconduct charge? Rick Wolfname: Yes. Mr. Pechota: Your testimony here today, you did not provoke Mr. Little Coyote on this day? Rick Wolfname: No. Mr. Pechota: Your conduct was simply to protect yourself from him? Rick Wolfname: Yes. Mr. Pechota: We have no further questions.

Steve Kelly: I am requesting a 5 minute recess.

Mr. Welch: We will take a 5 minute recess.

Tribal Council now back in session, we will do a roll call vote to make sure we did not lose any of the Council.

Roll Call: Lori L. Limberhand, Acting Secretary.

1.	Charles Yellowfox, Jr.	Present
2.	Matthew Two Moons, Sr.	Present
3.	Alfred Strange Owl, Jr.	Present
4.	Joe Fox, Jr.	Present
5.	Allen Fisher	Present
6.	Alberta Fisher	Present
7.	L. Jace Killsback	Absent
8.	Dan Carlson	Present
9.	Jennie Lou LaFranier	Present
10.	Judith Spang	Absent
11.	Rick Wolfname, V. Pres.	Present
12.	Eugene Little Coyote, Pres.	Absent

Quorum: Yes, 9 present 3 absent.

Mr. Welch: We have 8 Council members present and the Gentleman, Rick Wolfname who is here on his removal before the Council. With that we will move on where Steve Kelly left off. Steve Kelly: Thank you you're Honor. Steve Kelly: Question concerning the process? Do you believe you have been given a fair process to be heard? Rick Wolfname: I have cooperated with the Council, I'm not hiding anything, open to any questions, and yes I believe I have had a fair hearing.

Mr. Welch: Could we get this air conditioner shut off, it may be drowning out the tape recorder. If there are no more questions for Rick, for the record that will conclude the testimony for Mr. Wolfname, and he may take his respected seat. Mr. Welch: Mr. Whitedirt you have been called as a witness to this matter before the Northern Cheyenne Tribal Council with that will you please rise and raise your right hand. Mr. Welch: I'm going to administer an oath here to testify, do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth so help you God. Mr. Whitedirt: Yes. Mr. Welch: You may be seated. Mr. Whitedirt, my name is Steve Kelly. Could you tell us where you were and what you observed on the morning of July 17<sup>th</sup>, 2007? Mr. Whitedirt: I came to the Symposium, but they cancelled it, it was sprinkling outside so I asked Rick if he could give me a ride back up town. He said he would. I caught a ride back up to the Tribal Building with him. Steve Kelly: Did you witness an altercation between the Rick and the President? Mr. Whitedirt: Yes. Steve Kelly: Can you tell us what happened, how it got started, what happened during the altercation?

Mr. Whitedirt: We were walking into the Tribal Building, into the office. Rick was going to get his mail, I was waiting for him, and Drew walked out of the office. Rick said in Cheyenne lets go. We walked down the hallway, knocked on Williams's door. Eugene came out told him good morning he said good morning, he bumped into Rick's shoulder. Rick turned around and said what did you do that for? They started walking toward each other; pretty soon they started exchanging blows. They both started hitting each other. I was just standing there; pretty soon Eugene had Rick head locked that was the only thing that contained both of them. Carrie Small came out and said want are you doing, stop it, and told me to go out, I walked out. Right behind me Rick walked out. He asked for his glasses and papers. It happened real fast. I didn't know, maybe it was a day that it would happen. After that, everybody was out there. Littlebird was out there, Ernie Robinson was out there. We called for Security and they wouldn't even come around for along time, Police officer's too. The whole hallway was filled with people. Darren, what he said on that, that I said Rick threw the first punch, I didn't say that. I said that the both of them started hitting each other. Steve Kelly: Do you think the President intentionally bumped into Rick? Mr. Whitedirt: That's the way it was. He had his head up like this (Up in the air) I didn't know that was going to happen. Wasn't even planned, like a show. I just happened to be there. Steve Kelly: And now, you're famous. Did it appear to you that the President was trying to start an altercation? Mr. Whitedirt: Well, I think that Drew went and told him he was in the office. All the times I've been there to visit I haven't seen them there at the same time. I don't know where Drew took off to? Because he never did come back around. Took off out the side door or something. Because he wasn't around afterwards. Steve Kelly: Let me see if I understand this. You think Drew told the Chairman, that the Vice President was there, and so the President went out to start an altercation. Mr. Whitedirt: That's what I think, I told that to Mr. Young, when he interviewed me. Steve Kelly: Why do think the President would want to start an altercation with the Vice President? Mr. Whitedirt: I don't know too much why they don't get along. The Vice President and the President shouldn't be doing it. I was starting to do my running around to solicit funds for the Sundance, being at places I am not normally at, but I don't know between them why they are not getting along. Steve Kelly: I don't have any more questions. Terry Pechota: Did you hear at the time

that this occurred, Rick Wolfname ask for a breathalyzer on the President? Mr. Whitedirt: Yes. And then Al holds said he was going to charge both of them with disorderly conduct. Rick was saying that the President should go to jail. Al Holds said both of you are going to jail. Then Al Holds went to the President, and then came out and said they are both going to jail. Mr. Pechota: Did you hear Rick ask Al Holds to give Little Coyote a breathalyzer? Mr. Whitedirt: Yes. Mr. Pechota: When was that? Mr. Whitedirt: Right when he showed up. He kind of ignored Rick, and went straight to the back. Mr. Pechota: Straight to the Back where Mr. Little Coyote was? Mr. Whitedirt: Yes. He was back there for awhile. Mr. Pechota: So are you saying that this incident that occurred here where Mr. Little Coyote ran into Mr. Wolfname, did it happen very quickly? Mr. Whitedirt: Yes. Mr. Pechota: Mr. Little Coyote came out of his office after Drew told him Rick was there? Mr. Whitedirt: Yes, that's the way it looked. Mr. Pechota: And in your observation there wasn't very many times when Mr. Wolfname and Mr. Little Coyote was in the office at the same time before this? So this might have been an opportunity for Mr. Little Coyote? Mr. Whitedirt: That's the way it looked. Mr. Pechota: Ok, when Mr. Little Coyote ran into Mr. Wolfname did you see the things in Mr. Wolfname's arms go on the floor? Mr. Whitedirt: Yes. Mr. Pechota: And he had mail and keys and stuff in his arms. Is that correct? Mr. Whitedirt: Yes. Mr. Pechota: Everything went sprawled across the floor. The start of that altercation occurred when Mr. Little Coyote ran into Mr. Wolfname, is that correct? Mr. Whitedirt: Yes. Mr. Pechota: That's what started it, and it appeared to you to be intentional on Mr. Little Coyote's part, is that correct? Mr. Whitedirt: Yes. Mr. Pechota: And you never told the police Rick threw the first punch, or that Rick hit Mr. Little Coyote anywhere? Is that correct? Mr. Whitedirt: Yes. Mr. Pechota: Now when your talking about running into Mr. Wolfname, your not talking about a bump are you, your talking about he ran directly into him? Correct. Mr. Whitedirt: Yes kind of like that, the shoulder. Mr. Pechota: The hall way is wide enough for two people to pass each other. And Rick's eyes were down, looking at his mail? Mr. Whitedirt: Yes, going to his office. Mr. Pechota: He (Rick) didn't even see Mr. Little Coyote, until Mr. Little Coyote threw his shoulder into him, did he? Mr. Whitedirt: Both of them were not looking at each other, Eugene told me good morning I told him good morning, he went straight on like he was trying to ignore Rick. Tim Lamewoman: The hall way that you were in, could you describe how big this hallway is, in other words there is a lot of room correct? Mr. Whitedirt: Yes. Tim Lamewoman: Big enough for the two of them to pass by right? Mr. Whitedirt: Yes. Tim Lamewoman: You know the bump that you described; the word ran into the left shoulder, I wanted to ask you about that, you describe with your body language how Eugene hit him with his left shoulder is that right? Mr. Whitedirt: Yes. Tim Lamewoman: Left shoulder, like this and caused his papers and glasses to go to the floor is that right? Mr. Whitedirt: Yes. Tim Lamewoman: That couldn't have been considered like he ran into him, would it be safe to say, that it was a deliberate bump against his shoulder, did it really hit him like that? Mr. Whitedirt: That's the way it looked. Tim Lamewoman: Ok. Thank you. And afterwards, Rick picked up his glasses, papers, his mail, and you guys left the building right? Mr. Whitedirt: Well afterwards he came out and was asking for his glasses, and his mail. We had to wait out there, I was going to walk away, but I knew the cops were going to come after me anyway, so I stayed around. It had nothing to do with me, I was just watching them, I

didn't try to break them up or anything. I don't know why they were fighting. Tim Lamewoman: The last question I have Eddie is, you observed the both of them to punch each other, is that right? Mr. Whitedirt: Yes. Tim Lamewoman: So you really didn't see who hit first is that right? Mr. Whitedirt: They walked right up to each other, it was that day. Tim Lamewoman: Do you recall in your statement to the police, that Rick did try to ask him a question, and you testified to that today, the question was, "why did you do this"? Mr. Whitedirt: Yes, but he didn't answer back. Tim Lamewoman: So it would be safe to say that the one who initiated the first physical contact between the both of them was Eugene is that right? Mr. Whitedirt: The shoulder. Tim Lamewoman: So he was the one that made the first physical contact by using his shoulder against Rick's is that right? Mr. Whitedirt: Yes. Tim Lamewoman: Ok I don't have any further questions. Steve Kelly: The President, bumped into the Vice President's shoulder did he apologize for doing that? Mr. Whitedirt: No. Steve Kelly: What was his response when the Vice President said what did you do that for? Mr. Whitedirt: He didn't say anything he just walked up, it started so fast, then they ran into the wall, then that's when Carrie came walking out, she saw that part, she's the one that broke them up, the both of them, she said you guys cut it out. She told me, you, you get out. I just walked out of there. Steve Kelly: So I guess in a nutshell what I am hearing is, there was mutual combat between the President and the Vice President but, the President provoked it. Is that correct? Mr. Whitedirt: Yes. Steve Kelly: No more questions.

Mr. Welch: Just one more question for you. Not to discredit you or disrespect you in any manner. Were you under the influence that day? Mr. Whitedirt: No I was sober. Mr. Welch: Are you under the influence today? Mr. Whitedirt: No, I just came from jail. Mr. Pechota: Mr. Whitedirt. After Mr. Wolfname got hit with the shoulder you indicated that certain other physical contact did occur is that correct? Mr. Whitedirt: Yes. Mr. Pechota: Was Mr. Wolfname attempting to contain Mr. Little Coyote, so he wouldn't get hit again, I mean is that a reasonable interpretation of Mr. Wolfname's actions. Mr. Whitedirt: He just asked him why he did that, both of them started, I thought they were going to argue, walked up to each other, and argue, thought maybe he would answer him, but there were no answers. Mr. Pechota: Did it appear that Mr. Wolfname was trying to protect himself, in other words trying to keep any thing further from happening? Could that be what he was doing? Mr. Whitedirt: That's the way it looked to me, the both of them were waiting to have it out like that you know. Mr. Pechota: Yes, you were in Mr. Wolfname's car, he didn't say anything about having any altercation with Mr. Little Coyote did he? Mr. Whitedirt: No. Mr. Pechota: Was he in a particularly bad frame of mind that day, Mr. Wolfname? Mr. Whitedirt: No. Mr. Pechota: Did it appear to you like when he got up that morning the dog bit him in the ankle? Mr. Whitedirt: No, he was in a good mood. Mr. Pechota: So he didn't go in there in any kind of evil sense of mind, or any intent to get into an argument with anybody? Mr. Whitedirt: He was walking in there saying hi to everybody, good morning. Mr. Pechota: Ok. No further questions.

Mr. Welch: Witness may step down. Steve, are you going to call your next witness? Steve Kelly: I rest. Mr. Welch: Ok. Mr. Pechota, You may present your case? Or do you feel it was already presented? Mr. Pechota: Let me ask Mr. Wolfname a couple

things. Mr. Welch: Ok, let me caution Mr. Wolfname he is still under oath, and obligated to tell the truth, and nothing but the truth. Do you understand that? Mr. Wolfname: Yes. Mr. Welch: You may proceed: Mr. Pechota: Rick there's been some discussion here today about the first physical contact that occurred on that day in the hallway, you have been listening to things correct? Mr. Wolfname: Yes. Mr. Pechota: How would you describe the blow that Mr. Little Coyote inflicted upon you at that time, the first one? Mr. Wolfname: There was a bruise on my left bicep, the Criminal investigator Algen Young took pictures of it, and Tim was also a witness to that. Mr. Pechota: And right after Mr. Little Coyote threw his shoulder into your shoulder did you at any time throw any punches at Mr. Little Coyote? Mr. Wolfname: No, I was trying to contain myself, contain him, and contain Eugene. Mr. Pechota: When you were trying to do that were you trying to push him away? Mr. Wolfname: Yes, and also attempted to wrap my arms around him so he wouldn't throw another punch at me. Mr. Pechota: No further questions. Tim Lamewoman: Rick let's tell the judge today who is Algen Young. Mr. Wolfname: Algen Young is the CI Investigator for the Bureau. Tim Lamewoman: How did you go about talking to Algen Young? Mr. Wolfname: We forced the issue on the testimony on my behalf and to also get an affidavit from the CI and a couple days maybe even 3 days after that he finally got my testimony. Tim Lamewoman: Was that an interview down at the local law enforcement center? Mr. Wolfname: Yes, oh and by the way we also tried to get some documents from the Prosecution office, which we still haven't received, yet. Tim Lamewoman: During the course of that interview, I was present, is that correct? Mr. Wolfname: Yes. Tim Lamewoman: During part of the interview he took pictures of your left shoulder is that correct? Mr. Wolfname: Yes. Tim Lamewoman: Now you testified that you went on to Crow hospital, is this where it was medically recorded, the bruise on your left shoulder? Mr. Wolfname: Yes, along with my other injuries. Tim Lamewoman: No further questions.

Mr. Welch: No more questions. Are we ready to go into closing arguments? Yes.

Steve Kelly: Well, you've heard all the testimony. What I've heard, the President initiated the altercation. This is something you as the Council have to decide. What conduct is acceptable. So I'm not going to advocate for the removal of the President or the Vice President. One of the things that you have been apprised of is that the President has said that he cannot be removed under Section 2 of Article 7. Because this conduct cannot be construed as gross negligence. I disagree. He can be removed and the Vice President as well under this provision. In other words, I committed a murder and I got off on a technicality under the President's reasoning, I cannot be removed. Because I got off on a technicality. So he can be removed, both the President and the Vice President could be removed under this provision if you were to find that their conduct was gross negligence, and basically what you are talking about now, is what standard of conduct gives rise to gross negligence, considering that issue think about your rights and the rights of individuals that address the council, think about the right to associate, think about freedom of speech the right to express your views to be heard. And ask yourself what standard of conduct do we want to implement so that not only we as councilman, as the President or Vice President feel comfortable in expressing our views. Associating

with others. So that we don't have to figure reprisal by the President, Vice President, or one another, either physically or mentally, now if it's ok to physically attack somebody for whatever reason, whether it's intimidation or angry than there is no reason for removal of either one of these gentleman, if that is not ok, then you've got reason to remove them. I will give you an example: My daughter went to school one day, she was having problems with a girl, this girl wanted to work her over. And said she was going to after school. My daughter found out about it and went up to her while she was in the lunch line, and said hey Tina what's your problem? Before she got that out of her mouth, the girl hit her. So my daughter engaged in mutual confrontation, my daughter beat her up, so they were separated. Both girls were cited for disorderly conduct, just like in this situation. And then, both girls were suspended. The school suspended her for protecting herself. I went and met with the school, they said whether or not she as protecting herself or not, she engaged in mutual combat, and she did not have that right to hit that girl, their policy was that she could be suspended. At my house, if someone hits you, you can hit them back. And that is actually the law. You can only go so far in protecting yourself. But you are not required by law to drop into a field position if somebody hits you. Like I said my daughter was cited for disorderly, went to the Court, but they recognized that she had the excuse if you will to justify her actions, so those charges were thrown out of court. But for the school, their policies were different, so I couldn't do anything about it. The same thing could happen here, you could say, we don't really care who started it, it was a fight, it was mutual combat, and you hold your ground that is if you believe there was mutual combat here? You can take the other position, say look if you start something than if start a fight or altercation as a councilman that is grounds for removal. Another Councilman, or anybody else does this to you, you have a right to self defense. If you do that than one Councilman can be removed and one could not. So those are the things you have to think about. I think your values really opt to lay in discouraging intimidation, discouraging oppression, suppression, so that the people when you go to a meeting you feel you can say your mind and not have to worry retaliation. So those are really important values, but also for your community. You're talking about the President and Vice President of your Tribe in your Tribal Capital. You cannot get any more exposure, any higher level than that within your government. So what is acceptable? What is the message you are going to send? Those are the things you have to think about. I don't have to live here you do. Those are the things you have to discuss amongst yourselves.

Mr. Welch: Mr. Pechota's closing. Mr. Pechota: What we want to say, first of all, is that Mr. Wolfname has been a good representative for his people. I think at all times he has handled himself with good discretion, gets along well with people, he is not a bully, hardly ever raises his voice. Above and beyond all of that is that he thoroughly enjoys, treasures and values his position that he holds with his Tribe. The last thing he wants is to be removed from office for the charges that have been made here today. If you look at what occurred on that day in July of this year, you will see that it started out a very eventful day. Came down here for a Symposium, it was cancelled; Mr. Whitedirt wanted a ride back to the Tribal building with him. I think it's important to remember what Mr. Whitedirt said, Mr. Wolfname was in a good mood that day, he was greeting people, went to get his mail. At that point and time, at least according to Mr. Whitedirt, Mr.

Elkshoulder left and went into the office of Mr. Little Coyote and immediately upon doing that Mr. Little Coyote comes out to confront Rick Wolfname in the hall. Rick has his mail, in his arms and other personal items, and when he is walking down the hallway Mr. Little Coyote throws his shoulder in an aggressive, assaultive way into the shoulder of Mr. Wolfname, to the extent that it caused bruising on the shoulder, we are not talking about a love tap, we are talking about a shoulder that was thrown into another individual, sufficient enough to cause a bruise, sufficient enough to cause Mr. Wolfname to go to the hospital and seek medical care for that particular injury that occurred. You heard Mr. Wolfname testify as to what happened after that particular point in time. I don't think there is any question with that the aggressor, the initiator, and the assaulter in this case was Mr. Little Coyote. One of the things you can consider that you can rely upon, your common sense, your knowledge of the way each of these gentleman operate, how he attempts to intimidates people, not only physically, but on paper. You have dealt with him for many months, and the same way he has tried to bully people on paper, is the exact same way he had tried to bully Mr. Wolfname in the hall that particular day. The point and time Mr. Wolfname was assaulted then, took action to try to protect himself and contain Mr. Little Coyote so that further injury to himself would not occur on that particular day. I don't think that there is any more testimony that's been offered and in that regard or contrary to the arguments that I have made during the day as to how that happened. Mr. Wolfname has not taken the position on what you should do to Mr. Little Coyote, that's Mr. Little Coyote's problem. He had a chance to be here today to tell his story; we knew about this hearing, he knew about this hearing. What you do on his case, we are not taking any position on, however we feel Mr. Wolfname should not be removed from his position, as a Councilman, as a Vice President in this case. The acts do not warrant it, he did not cause what happened on that particular day. He has cooperated, not only with the Tribal Council, but with the authorities, and investigation in this matter.

He has offered all the testimony and the proof that people has asked for in this particular case. He welcomed the opportunity to have this hearing today, and he wished that it would have happened along time ago. We ask the Council not to remove him from his office as a result to what happened on that day in July. Thank you very much.

Tim Lame Woman: Thank you, you're Honor for being here today, and listening to our client, the Vice President, Mr. Wolfname here today. I would also like to thank the Tribal Council for listening to the testimony given here today. We are going to leave it in your hands in a few minutes, but I want you to pay attention to what our Constitution says. Any Officer or Councilman who shall fail to perform the duties assigned to him, it's not one of the duties of the President to go around doing this. You have heard today who started this altercation, and what happened. My client was here to clear his good name. I hope we've done that today. The only thing a man has is his good name. A President does not go around violating Tribal Laws. This one has. He has failed to perform his duties. He does not cooperate with the Tribal Council. He does not cooperate with the community. Where can we go with a leader that neglects his Council? You've seen today why we are here today; he put chains on the doors at the Tribal building. By this incident alone, he has failed to perform the duties assigned to him. Make it clear to the community, do we allow this to happen or not. This is not unity and harmony that we need to have. Lastly, we have cleared our client's name. Thank you.

Mr. Welch: This is the second time I have come up to the Northern Cheyenne Reservation. It's always a pleasure to be here, I was here March of 84 to July of 89 when I transferred to Rocky Boy Indian Reservation. It's like coming back home again. I spent a lot of time here after I left and it is always a pleasure to come back. Back when to election was concluded. The people have spoken. We may be a handful of the opposition, but you look at, they selected their leaders. I don't know how many votes were casted, but I look at it like the people have spoken. I may have ill feeling, or bad feeling about an individual leader, but I have to look at how many voted for that leader. We have to take those into consideration also. You are today, the jury of the facts. All I am is a Hearing Officer. I was called by this Tribal Council to be the Hearing Officer. We only have our interpretations of the Constitution. Everybody has their own interpretation, but I'm sorry to say, that they are only opinions. The true interpretation of any Constitution of a respected Tribe is a governing body. We as legal minds may help you interpret it, but you are the sole interpreters. You ask yourself has the harshness of the penalty meet the section 2, removal from office. There has been an altercation in a hallway, apparently there is certain things pending before the court. They will decide the merits of those particular cases. You were able to look at the witnesses, their biases, their prejudices, bad feelings, memory lose, new memory gain. There was a lot of speculation on the testimony, on why things were done the way they were done. Testimony from Mr. Whitedirt stated that he thought that Drew Elkshoulder had something to do with it. Pure speculation. You have to go beyond that. You have to decide the facts that were presented today to you as a governing body. Whether you dislike, or like, agree or disagree with these two gentlemen, President Little Coyote and Vice President Wolfname, you have to give them the benefit of a fair impartial vote. These gentlemen deserve these rights. I sit currently on Tribal court at Fort Peck and I hear a lot of conflict cases of influential people. I may not like that individual but I weigh all the evidence that is presented to me because I know that I am being watched by the Fort Peck Court of Appeals. And those are three Attorneys, and one is a Federal Magistrate. So I have to make sure what I do is a sound logical decision. I didn't hear any objections when we got into the speculations, hearsay, leading questions. Injury, heard there was injury, but there was nothing presented to substantiate those injuries. Police report, but no Officers testifying to the offenses, or the accuracy of those reports. I know we have two seasoned Attorney's. Today was kind of like a field day, I don't have to object. But I think that all rights should of been afforded to you Council Members sitting here. I'm not trying to tell anybody how to do their job, but I know when someone isn't doing their job. Now this is a precedent setting decision that you have to make as elected officials on the Northern Cheyenne Indian Reservation. We never got into the manner of voting, if just show of hands, roll call, secret ballots. It doesn't address that in any of the documents I've read. One thing at Fort Peck our Constitution addresses exactly what is happening here today, if we can't raise to the level of gross negligence, then we have what we call conduct. Conduct prejudicial to the Tribe. But here, the drafters of this Constitution as voted upon by the people stated this is how it is going to be done. So with that I don't know the Council wants to go into voting. I just wanted to summarize basically what happened here. To make sure that everybody understands what has to happen here. You have to ask yourself a lot of questions, before you make that decision. Is it the best interest of the

people? I can't tell you how to vote, I can't tell you how to do whatever. But I would know what to do if it was on my shoulders. And it's not there today, ladies and gentleman. I don't know how you want to do it? I don't know the level of the evidence? Clear and convincing beyond a reasonable doubt. That wasn't spelled out in here either. So that's what happens when we have things that aren't set into place. Introduction of evidence, so on and so forth. What do we follow, federal rules, civil procedure? So with that I'm going to leave it up to you ladies and gentleman to make that decision, but I want to know how you want to arrive at the decision. You have to have two-third 2/3 majority that means that all eight (8) of you have to agree on the removal of both the gentleman.

Mr. Welch: I guess that the Council calls for an executive session. This means the only parties that will be sitting here are the eight (8) Members of the Council, with the exclusion on Mr. Wolfname; he is now part of the discussion. Do you just want to stay right here and we can move everyone out into the casino and make some money for the Northern Cheyenne Tribe. With that we will recess.

Mr. Welch: Hearing is now back in session. 3: 50 p.m.

Roll Call: Lori L. Limberhand, Acting Secretary.

1.	Charles Yellowfox, Jr.	Present
2.	Matthew Two Moons, Sr.	Present
3.	Alfred Strange Owl, Jr.	Present
4.	Joe Fox, Jr.	Present
5.	Allen Fisher	Present
6.	Alberta Fisher	Present
7.	L. Jace Killsback	Absent
8.	Dan Carlson	Present
9.	Jennie Lou LaFranier	Present
10.	Judith Spang	Absent
11.	Rick Wolfname, V. Pres.	Present
12.	Eugene Little Coyote, Pres.	Absent

Quorum: Yes, 9 present 3 absent.

The Council that was present before are all here. I will turn this back over to the Vice President. Steve Kelly: The Vice President runs the meeting in the absence of the President. It is not a conflict with you, you will not vote, you are just presiding over the meeting.

Vice President Wolfname suggests action needs to taken on Councilman Carlson's complaints. Motion on the floor by Dan Carlson to approve a resolution of the Northern Cheyenne Tribal Council seeking the removal of Vice President Rick Wolfname from office. Motion seconded by Allen Fisher. VOTE: 6-2 (Charles, Alberta) -0. Motion failed.

Motion on the floor by Dan Carlson to approve a resolution of the Northern Cheyenne Tribal Council seeking the removal of President Eugene Little Coyote from office. Motion seconded by Allen Fisher. VOTE: 8-0-0. Motion carried.

Steve Kelly to draft up the two resolutions for Vice President Wolfname. Believe we have unfinished business, we will recess until tomorrow at 11:00 a.m.

Motion on the floor by Allen Fisher to recess meeting until tomorrow at 11:00 a.m. Seconded by Jennie LaFranier. VOTE: 8-0-0. Motion carried.

Closing Prayer: Butch Sooktis.  
Adjourned @ 4:10 p.m.

Tuesday, September 14, 2007 – Continuation of Special Session meeting of September 13, 2007.

Call to Order: Interim President Wolfname called the meeting to order at 4:27 p.m.  
Roll Call: Lori L.Limberhand, Acting Secretary.

1.	Charles Yellowfox, Jr.	Present
2.	Matthew Two Moons, Sr.	Present
3.	Alfred Strange Owl, Jr.	Present
4.	Joe Fox, Jr.	Present
5.	Allen Fisher	Present
6.	Alberta Fisher	Present
7.	L. Jace Killsback	Absent
8.	Dan Carlson	Present
9.	Jennie Lou LaFranier	Present
10.	Judith Spang	Absent
11.	Rick Wolfname, V. Pres.	Presiding

Quorum: Yes, 8 present 2 absent.

Interim President Wolfname: Last couple of weeks have been very hard, not only for us but, for our Tribe. We need to move forward, get things done in a united fashion. Very stressful, but we need to work hard, perseverance is what we reach for. Glad that we have each other to work together as a team. I will work with you as I have before. Allen Fisher: I am proud to be a part of this. Where we started and then ended up today. Want to thank Steve, Lori, and Cleveland, at times we were shunned, but the Creator moved us along. I like the unity that we have taken up as the Northern Cheyenne Tribal Council and to keep working with Rick as we move on. Charles Yellowfox: We've gone this far, we need to do more studying of the Constitution, we have followed these documents, and they are powerful. We are the governing body, we have the people out there, and they have been treated wrong, lets make every effort to move on. Matthew Two Moons, Sr: This has been going on for what 3 years, haven't really done anything. A lot of us only

have 1 year left, let's do something for the people. I'm glad I am part of this group, Ha Ho. Alberta Fisher: It has been a really hard struggle. Within the past year or so I have wanted to resign on two occasions. I want to thank my husband for encouraging me to not give up. I pray about it, working with the Council. I also think about how this is going to effect Eugene and his family, but what have we been through these past 2 years. Sometimes God puts us through stress to make us a better person. Now that we've gone this far we need to discipline ourselves, we need to be here everyday. What is our priority, yes our family then our jobs, but we need to work together and make every effort to come to work every day and help Rick with what he wants to do. Thank you Steve and Lori, Cleveland. Let's continue our prayers, let's make it a reality, only one more year for a lot of us. Check your mail, so we can be prepared. Don't bow down to their level, with the mud slinging, don't say anything. Let's continue working together. Jennie Lou LaFranier: I would like to thank my fellow Councilman for sticking together, I felt so helpless when we were locked out of the Chambers. Thank you Lori, Cleveland Bement, makes our jobs easier. Steve Kelly thank you, you have been very good to us, for the Tribe. I will be here to work with you all and be here. Ready to work with the Council. Aljo Strange Owl: It's been along process, what we've been through. We have sent a statement, good Council, good working relationship. The previous President doesn't realize how much power we have. We stuck with each other and used the Constitution and showed the people we mean business. Thank you Steve Kelly, you are well versed with the Constitution. Thank you Tribal Council for upholding the Constitution. Thank you Cleveland for being our security. Prayer is really strong. Joe Fox: A lot has been said for us. Trying times and tribulations. We are carrying the hardship and burden of the Tribe. The people hear a lot of stuff. Prayer, I fell back on that, thank the Creator, it helps us. Very proud of each and everyone of you, we stuck together and didn't fall apart, as we move on there will be more trying times and tribulations and we must move forward with it. Thank your families, Steve blessings go to your family, prayer will carry the endurance, prosperity, patients and diligence we will get thru this. Laura Lonebear: I'm proud of the Tribal Council, each of you and thank you Steve for coming, good job, well done.

Rick Wolfname, Interim President: Give Steve the honor to pray. Lee Lonebear gave you an Indian name (2 Lances). Closing statement and prayer. Steve: Thank you for the honor. The fight isn't over; we need to get the President out of the office, we will do it for the people. Eugene is fighting at every turn, I know it's tough but there are worse things, remind yourself at the end of the day. Keep up the good work. This is the first time I've ever seen so much cohesiveness. This is the recipe for getting things done, sticking together, and rise above. Steve Chestnut is a good man, if you were to hire him, I see a lot of hope if you continue on this path. You are here because you want to make a difference for people, and I will be there for you and keep being there for you. I appreciate you calling me, that means you have faith in me, that I have the people at heart. Thank you.

Allen Fisher makes a motion to pay Cleveland Bement for Security services. Motion seconded by Alberta Fisher. VOTE: 8-0-0. Motion carried.

Invocation: Steve Kelly.

Meeting Adjourned @ 5:10 p.m.

**Passed, approved and adopted** by the Northern Cheyenne Tribal Council by 8 votes for passage and adoption and 0 votes against passage and 0 abstentions this 17<sup>th</sup> day of September 2007.

*Gai L. Lambert*

*acting Secretary*