



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

DEC 19 2002

Honorable Jerry G. Haney
Chief, Seminole Nation of Oklahoma
P.O. Box 1498
118 West 2nd Street
Wewoka, Oklahoma 74884-1498

Dear Chief Haney:

On November 29, 2002, we wrote you to explain the Department of the Interior's position on the election results with regard to the certification of the band representatives to the General Council and the reconstitution of a lawful General Council including you as Chief and Mr. James Factor as Assistant Chief. In our letter we also indicated to you that the Department recognized the General Council Band Representatives for all the bands except the two Freedman Bands.

We further indicated that the Department was advised that the Bruner Band had certified Lena Shaw and Helen Renfro as its representatives at a band meeting on or about October 12, although we had not yet seen documentation of the meeting. By subsequent letter to you of December 5, 2002, Scott Keep, Assistant Solicitor, Branch of Tribal Government and Alaska, advised you that we had received the necessary documentation certifying Lena Shaw and Helen Renfro as the band's representatives to the General Council.

In response to our letter to you of November 29, counsel for the Dosar-Barkus Band in the *Seminole Nation v. Norton* litigation in the District of Columbia has requested that we allow the band some additional time to resolve the issues as to the band's representatives and that we provide security for a new election among band members. The Department has consistently taken the position that new elections that are fair and open to all with proper notice are the most efficient and effective way to resolve internal disputes. Accordingly, if the Dosar-Barkus Band is willing to hold a new election with notice and the opportunity to participate open to all, we are willing to allow them a small amount of additional time until Monday, December 30, to complete that process and we are willing to provide security at an appropriate election site to insure that all who want to can participate. If the band holds a new election and certifies the results of that election to us by Monday, December 30, the Department is willing to accept those persons newly elected as the proper representatives of the band.

In your letter of December 9 responding to our letter, you asked for a list of the band representatives to the General Council which would be recognized by the Department. The Department's opinion as to the identity of the band representatives to the General Council is determined largely by the developments in the *Seminole Nation v. Norton* litigation. In light of that litigation and the court's decisions, the Department views the proper band representatives to

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the General Council to be those individuals elected at that last general election in July 2001, with the exception of the two Freedman Bands and the two other bands, the Tallahassee and Hecete Bands, for which there was evidence in the existing administrative record that individuals had been wrongfully denied the opportunity to run for office.

We are attaching a list of who was certified by you as the band representatives to the General Council as it existed in July 2001 with the addition of the Bruner Band representatives and the newly elected representatives for the Tallahassee and Hecete Bands. Beginning December 21, 2002, we will recognize the General Council as reconstituted consisting of these named individuals representing the 13 bands. If the Dosar-Barkus Band holds a new election with notice and the opportunity to participate open to all and certifies the results of that election to us by Monday, December 30, we will recognize the newly elected individuals as members of the reconstituted General Council. Otherwise, we will consider the Dosar-Barkus Band seats vacant on an otherwise properly reconstituted General Council.

We are aware that there have been, or may have been, changes in the representatives for other bands in the months since the July 2001 elections. Those changes are not, however, involved in the litigation and therefore are not an issue for the Department at this time. Any Bands which have changed their representatives since the general election in July 2001 should present those changes to the reconstituted General Council.

Let us know if you have any questions.

Sincerely,



Neal A. McCaleb
Assistant Secretary-Indian Affairs

Enclosure

cc:

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LIST OF BAND REPRESENTATIVES TO THE SEMINOLE GENERAL COUNCIL

BAND

REPRESENTATIVES

Bruner Band	Lena Shaw and Hellen Rerfro
Ceyvha Band	Eugenia Lena and Mariam Tiger
Dosar Barkus Band	In dispute
Eufala Band	Joseph Stewart, Sr., and Franklin McGeisey
Fushutche Band	Hazel Wood Larney
Hecete Band	Rick Deer and June Lee
Hvteyievlke Band	Stephen Harrison and Nanette Hazelwood
Nurcup Harjo Band	Jessie Johnson and Thomas Billy, Jr.
Mekusukey Band	Wahilla Dookeen and Barney J. Leader
Ocese Band	Mitchell Buck and Alene Miller
Rewalke Band	Jonah Harjo, Jr., and Rhonda Shaw
Tallahassee Band	Lewis Johnson and Gerald Factor
Tom Palmer Band	Dwayne Miller and William Coley
Tesukia Harjo Band	Rodney Factor and Willis Deatherage