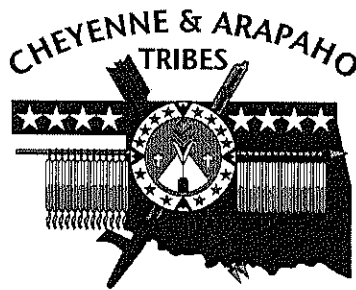


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June 15, 2010

U.S. Department of Justice  
Office of the Attorney General  
Attn: Eric Holder  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Re: The Cheyenne-Arapaho Ordeal

Dear Mr. Holder:

I write in response to your staff's enclosed letter of December 10, 2010. Specifically, I wanted to respond to the implications of the last paragraph concerning the prosecution of some of our tribes elected officials over the past several years. To this end I wish to point out some historical facts. In short, I believe there is a link to the history of prosecutions of our tribes' leaders in relationship to its efforts to secure rights to Fort Reno we believe it has been long withheld from the Tribes. I do not believe that all cases you identify were without merit. However, I do believe that the underlying motives for the initial investigation(s) were, at least in part related to our claim.

I believe these prosecutions were in relationship to our congressional delegation and its efforts to see mineral rights developed on the Fort Reno lands. As you may know the history of Fort Reno is complicated and spans some three centuries. I am enclosing a copy of a 1999 Solicitors Opinion from the Department of the Interior recognizing the merits of our claim. I now turn to the relevant facts concerning the recovery efforts and their link to the prosecutions over the years.

Over the past four decades several attempts have been made to secure the Fort Reno Lands by the Tribes. Although all of the efforts ultimately did not secure the desired result many things were learned along the way that shed light on the situation. The first concerted effort to secure Fort Reno was during the oil and gas boom that swept across Oklahoma in the late seventies and early eighties. As a result of this effort to secure Fort Reno was spearheaded by long-time Tribal Leadership and Chairwoman Juanita Learned. Ms. Learned initially was elected to tribal leadership in 1967 and had a career in tribal politics that spanned some 25 years. Throughout these years she was dogged about the Tribes efforts to recover these lands. This effort led her to support a young Republican Senate candidate named Don Nickels in 1980.

As a result of the Reagan revolution, Senator Nickles was able to secure the seat and immediately began to work on paying back his campaign debts through oil and gas interests. It just so happened at the time that one of these interests, was looking for a way to Develop the mineral rights at Fort Reno. In 1981, Long Royalty, secured through the BIA the rights to a joint development agreement with the Tribes concerning Fort Reno if the minerals were returned to the Tribes. Long Royalty who was connected to Vancouver Ltd. a division of British Petroleum, put up several hundred thousand dollars in lobbying and legal fees to secure the mineral rights of Fort Reno for the Tribes. Among these efforts by Long Royalty was the engagement of an Attorney, Richard West, who happen to be a member of the tribe. Mr. West wrote a sixty three page memorandum opining that the lands were previously "paid for" but that in equity the Government should give back the mineral rights to the tribes.

Eventually the efforts to recover the mineral rights failed after the Tribes, who were attempting to secure a BIA contract to locate disadvantaged Indian Children at its Concho school, sued the Interior Department. Apparently, Senator Nickles weighed in to stop the contract. This put Ms. Learned and Senator Nickles at odds early in his career and ended up killing the efforts of Nickles supporters to help get the mineral estate at Fort Reno transferred to the Tribes.

In 1986, Ms. Learned was again the Chairwoman of the Tribes and requested President Reagan to issue an executive order recognizing the Tribes title rights to the property. The Reagan administration responded that the lands were not eligible for an executive order. The lands were then put out for lease bid by the Bureau of Land management and the Tribes protested resulting in the leases being pulled. Soon thereafter Ms. Learned's tribal membership came under fire by members of the BIA and opposing factions in the Tribe. Although she eventually prevailed in court on the matter, it became clear that forces inside the agency were opposed to her continuing leadership.

In 1990, Ms. Learned became Chairperson again and immediately began to press the Fort Reno issue declaring that the Tribe was going to have its "own land run" on Fort Reno. Soon thereafter, Ms. Learned's administration began to be investigated by the FBI. Although Ms. Learned did not prove successful, her efforts to secure the lands resulted in Senator Inouye securing a letter from the Interior Department that Fort Reno was eligible for return in under the Surplus Property Act, 40 USC 483 (a) (2). It was following this small step of progress that the FBI began to investigate her travel expenditures. These efforts led to her later indictment for embezzlement of tribal funds, a charge for which she was eventually acquitted just days after her death. As a result she never got the decision from the tenth circuit acquitting her of all charges and had to spend her final days looking for a suitable federal prison to spend her time.

In 1994, Chairman Viola Hatch became the Chairwoman of the Tribes and soon thereafter held a rally at Fort Reno protesting a National Cemetery that Senator Nickles wished to place on a portion of the land. Soon thereafter, she was indicted on travel and expenses a charge for which she was eventually acquitted in 1996 by the Tenth circuit in the same case as Ms. Learned. In the spring of 1995 at a meeting with Senator Nickles

concerning Fort Reno she called Mr. Nickles a "white-man" for refusing to agree to allow the land to return to the tribe when the USDA was finished with it in exchange for the tribes agreement to support the national cemetery to be located on the property. In the Fall of 1995 after months of negotiation and support from the local community, Senator Nickles killed an opportunity for compromise by asking the El Reno City Council to kill a resolution of support for the tribes and the cemetery. Immediately thereafter the Tribes purchased airtime to tell their part of the story and were forced to file suit following a dispute with the television station over the airing of the ads.

In 1996, Chairman Charles Surveyor, spearheaded an effort by the Tribes to recover the lands through a large donation to the Democratic National Committee only to be investigated as a result of the outrage of Senator Nickles and others for having donated some \$107,000.00 of the Tribes welfare funds to the Democratic Party. Eventually Chairman Surveyor was cleared by the Attorney General of wrongdoing after having asserted his fifth amendment privilege against self incrimination. Mr. Surveyor was never allowed to tell his story in front of the committee.

In October of 1999, Chairman James Pedro, whom you cite in your letter, placed a full page ad in Roll Call magazine pointing out the efforts of Senator Nickles to block the Tribes recovery efforts. Senator Nickles and the Oklahoma delegation had sent a letter to the Justice Department and BIA requesting a full investigation of the Tribes federal programs. As a result Chairman Pedro, as your letter points out, was indicted on \$6,277.00 in housing money and urged to plead guilty to \$193,235.77 in undocumented travel. The charges for Pedro came on the heels of a the previously mentioned 1999 Solicitors opinions which was the first document from the federal government recognizing the Tribes had never been paid for the Fort Reno lands. Immediately thereafter, Senator Nickles, placed a rider in the FY 2000 and 2001 budget prohibiting the return of the property to the Tribes administratively.

In 2002, Chairman Robert Tabor who, while treasurer in 1996, had authorized the 107,000 donation to the DNC was in power and asserting the Tribes rights to Fort Reno. Along with Chairman Surveyor, Chairman Tabor had authorized an ad campaign in the fall of 1995 which ran against Senator Nickles on the issue of Fort Reno was indicted for unauthorized travel expenses. In 2002 Senator Nickles put a rider in the Farm Bill to prohibit the return of the lands administratively.

In 2004, Chairman Bill Blind, claimed that the entire 1851 Fort Laramie Treaty and all subsequent actions of the United States, including the taking of Fort Reno, were based on a policy of genocide and laid claim to the northeast one-quarter of Colorado including downtown Denver. Bill Blind was recently convicted of several of the charges contained in the letter.

In 2006, former Senator Nickles having joined the board of Chesapeake Energy, got Senator Inhofe to introduce S.1832. to strip the mineral rights out of Fort Reno and give a sole source contract to Chesapeake Energy. Later that year, after having filed suit on the lands, Chairman and later Governor Flyingman, placed a full page ad in "The Hill"


magazine claiming that Senator Nickles was trying to steal the mineral rights away from the Tribes thru S.1832. Governor Flyingman who recently left office is under investigation for having renovated his house with tribal gaming funds.

In 2008, the delegation, again placed a provision in the Farm Bill to prohibit the lands return administratively until 2013. This occurred in the only bill that President Bush ever vetoed which was overridden with the help of the Oklahoma delegation. In 2009, the D.C. court of appeals ruled that the Statute of Limitations had long passed and that the Tribes were foreclosed from legal remedy against the United States.

The Oklahoma delegation has recently proposed to expand the federal bureau of prison located on Fort Reno beyond the one thousand acres the prison currently occupies a small part of to the area the tribes claim. This is undoubtedly an effort to again strip the mineral out of the balance of the property akin to the attempted effort in S.1832.

As you can see the efforts to recover Fort Reno and subsequent convictions have come on the heels of some pretty high profile acquittals for the Tribal officials who undertook the task to recover Fort Reno. Although it is clear that some of the prosecutions were perfectly justified, it also appears that several of them were connected to the Tribes attempts to recover Fort Reno.

Sincerely,

  
Patrick Spottedwolf  
Speaker 2nd Legislature

Cc: President Obama,  
Larry Echohawk