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Description of document:	Administrative processing materials from a FOIA request to the Bureau of Indian Affairs (BIA) for a copy of each tribal constitution and articles of incorporation for Native American tribes in the United States, 2014-2016
Requested date:	2016
Released date:	12-July-2016
Posted date:	01-August-2016
Source of document:	Indian Affairs FOIA Officer Assistant Secretary - Indian Affairs 1849 C Street, N.W. MS 3070 - MIB Washington, D.C. 20240 Fax: (202) 208-6597 Email: <u>foia@bia.gov</u> <u>Online FOIA Request Form</u>

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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS Washington, DC 20240

FOIA BIA-2016-01442

JUL 1 2 2016

In response to FOIA BIA-2016-01442 requesting:

"A digital copy of the set of tribal constitutions and tribal articles of incorporation, which have already been compiled for release to another requester."

In addition you have requested:

"A copy of the administrative processing/handling/tracking file/folder, also including emails, associated with a requester's BIA FOIA request from a couple of years ago that was designated as BIA-2015-00421."

You have also requested a fee waiver stating:

"Fees should be minimal because no search or review time is required since these records have already been prepared for release to another". Your fee waiver has been granted.

We are releasing in full all previously released tribal constitutions consisting of 6,465 pages in digital format. In addition, we are releasing in part the administrative processing, handling, tracking file, including emails, consisting of 207 pages of paper copies. Portions of these materials are being withheld under FOIA Exemption 6. Withheld are home addresses, personal telephone numbers and personal email addresses of the previous requester.

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. 552(b)(6).

You may appeal this partial response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal <u>no</u> <u>later than 90 workdays</u> from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday. <u>Your appeal must be made in writing</u>. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email.

All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the [Bureau]'s response is in error. You must also include with your appeal copies of all correspondence between you and the Bureau of Indian Affairs (BIA) concerning your FOIA request, including your original FOIA request and the BIA's response.

Failure to include with your appeal all correspondence between you and BIA will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Wakinyan HoWaste, the Office of Indian Services FOIA coordinator is responsible for this partial denial. Mr. James Porter, Attorney, Office of the Solicitor was consulted.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior Office of the Solicitor 1849 C Street, N.W. MS-6556 MIB Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339 Fax: (202) 208-6677 Email: <u>FOIA.Appeals@sol.doi.gov</u>

There is no fee for the processing of your request.

This completes the response to your FOIA request by the Office of Indian Services.

If you have additional questions concerning this request, please feel free to contact the Office Indian Services FOIA coordinator at: (202) 513-7641.

Hankie P. Ortiz Deputy Bureau Director Office of Indian Services

Enclosures:

Copy of incoming

USB flash drive containing 6,465 digital pages of tribal constitutions 207 pages of Administrative handling/tracking file and emails

cc: FOIA Officer, Central Office, Washington, D.C.



U.S. DEPARTMENT OF THE INTERIOR Indian Affairs – FOIA/PA CONTROL OFFICE Telephone: (202) 208-4542, Mail Stop 3071-MIB

Requester: Kemper, Kevin

Secretary's Control No.

IA/BIA/BIE Control Number:	IA/BIA/BIE Signature/Surname Due: 01/05/2015				
BIA-2015-00421					
V New F/U Document Referral	Remanded FOIA				
Action Office:	Signature Information:				
BIA – Office of Indian Services	Director, Office of Indian Services				
Received IA/BIA:	Copies of Incoming Sent to:				
12/02/2014	FOIA office/Region Directors				
FOR ACTION	N OFFICE USE (Below)				
CHECK APPLICABLE ITEM(S): Complete I					
No reply requiredAcl	knowledge; copy to Region for direct reply				

Acknowledge only _____Acknowledge; copy to Region with request for report

Staff member to whom assigned: Wakinyan HoWaste

Extension 513-7629

				ROUT	ING
Mail		Route	Rel	eased	
Stop	Bldg	to Code	Initial	Date	Comments
4512	MIB	4512	with	12-25-14	Wakinyan HoWaste Draft Reply
6513	MIB	4512	/s/ A.K.	12/23/14	Angela Kelsey SOL-IA Review via email
4512	MIB	4512	when	12-25-14	Wakinyan HoWaste Draft Reply
4508	MIB	4511	Sap	120314	Spike Bighorn – Review – S/N
4512	MIB	4512	sta	12/23/14	Hankie P. Ortiz – Review - Sign
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	I	RETUR	IN THIS	FORM AND	ATTACHED CORRESPONDENCE TO

IA-FOIA OFFICER AFTER SIGNATURE/SURNAME

Hand Carry -- Do Not Include With Routine Mail

Kevin R. Kemper, Ph.D., LL.M. Exemption 6 Exemption 6 Exemption 6 kevinrkemper@Exemption 6

December 1, 2014

FOIA Officer Department of Interior Bureau of Indian Affairs 1849 C Street, NW Office of the Assistant Secretary, MS-3071, MIB Washington, DC 20240 (202) 208-4174 foia@bia.gov

FOIA REQUEST

Fee benefit requested

Fee waiver requested

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, 1 request access to and copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States. For instance, if a tribe has had three constitutions, I want all three versions. I also know that some tribes have articles of incorporation instead of constitutions, so I request those, too.

I respectfully ask to receive the information in PDF copies sent electronically.

l agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$100. However, please notify me prior to your incurring any expenses in excess of that amount.

As a free-lance representative of the news media, I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on provisions of tribal constitutions, articles of incorporation, and/or similar organizing documents that is of current interest

Kemper 1 December 2014 FOIA Request

to the public because citizens needs to know the boundaries set by tribal law. This information is being sought for dissemination to the general public on a Web site dedicated to serving journalists and journalism, general circulation and professional publications, and academic publications.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of tribal and federal government operations and activities. Again, I plan to share these documents with scholars, professionals, and the general public in academic and professional publications, as well as on the Internet, so that we can understand how to obey and respect tribal laws. This is of the utmost public importance, as the Bureau of Indian Affairs in its trust relationship with tribes has an obligation to help the general public know how to know, respect, and follow tribal laws in Indian Country.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a part of news and research projects, and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

Please provide expedited processing of this request that concerns a matter of urgency. I am primarily engaged in disseminating information. Again, the public has an urgent need for information about tribal laws because so they can understand and follow those laws. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

/s/Kevin R. Kemper

Kevin R. Kemper

(not licensed to practice law)



United States Department of the Interior

BURFAU OF INDIAN AFFAIRS Washington, DC 20240



FOIA BIA-2015-00421

Kevin R. Kemper Exemption 6

Dear Mr. Kemper:

The Assistant Secretary-Indian Affairs' Freedom of Information Act (FOIA) Office received your FOIA request on December 2, 2014. Your request was designated as FOIA Control No. 2015-00421 and assigned to the Office of Indian Services (OIS) on December 9, 2014. Please cite the referenced FOIA control number on any future correspondence concerning this request.

Your request states that you were seeking the following information:

"access to and copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States"

We have classified your request as a "media use" request. As a "media use" requester you are entitled to all search and review time, and the first 100 pages duplicated to provide responsive records to your request free of charge

After searching our records, the FOIA Coordinator for the Office of Indian Services was not able to locate any files that were responsive to your request in our Washington D.C. office.

Under 43 CFR § 2.7(d), a bureau is not required to create or compile a record to respond to a FOIA request. The Act applies only to records in the bureau's possession and control as of the date the bureau begins its search for responsive records. Under the FOIA, agencies are not required to conduct original research to satisfy FOIA requests.

In an effort to assist you to obtain the material requested, the FOIA Coordinator for the Office of Indian Services researched the internet and found a large number of tribal constitutions are available to the public on the following websites:

http://www.nart.org/nill/Constitutions/vanktoneonst/constitutionandbylaws.pdf

http://www.rosebudsiouxtribe-nsn.gov/government/tribal-laws/constitution/42-article-ii/ http://www.oglalalakotanation.org/oln -Tribal_Constitution.html

http://www.narf.org.nill/triballaw/constitutions.htm?gclid=CN3C5Lup2sICFSaCMgod6 mEARw

http://thorpe.ou.edu/const.html

http://www.tribal-institute.org/lists/constitutions.htm

http://libguides.iaw.ucia.edu.content.php?pid=368042&sid=3066100 http://mlic.utulsa.libguides.com/content.php?pid=171864&sid=1447023 http://www.ind.gov/indianaffairs?id=67 http://www.judicare.org/Content/Tribal_Constitutions__Codes.ctm

Please be aware that the FOJA does not require the BIA to do research for you. However, as a courtesy, in this instance our FOIA coordinator did do the research.

Should you still find the need to request a I OIA on a different topic, please be as specific as possible because the Department has a decentralized record keeping system. A FOIA request can be sent directly to each of our twelve regional offices. For a comprehensive listing of our regional offices, please sec "Section 2" of our "Tribal Leaders Directory" which may be found at the following website:

http://www.bia.gov/cs/groups/webteam/documents/document.idc1-028053.pdf

This response was made in consultation with Angela Kelsey, Attorney-Advisor, Office of the Solicitor, Division of Indian Affairs, Washington, D. C.

If you feel the information we have provided is incorrect, you may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal <u>no later than 30 workdays</u> from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the [Bureau]'s response is in error. You must also include with your appeal copies of all correspondence between you and [Bureau] concerning your FOIA request, including your original FOIA request and [Bureau]'s response. Failure to include with your appeal all correspondence between you and [Bureau] will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information:

Department of the Interior Office of the Solicitor 1849 C Street, N.W., MS-6556 MIB Washington, DC 20240 Attn: FOIA/Privacy Act Appeals Office Telephone: (202) 208-5339/Fax: (202) 208-6677 Email: FOLA Appeals a solidor gov

For your information. Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See <u>5.1.5.C.552(c)</u>. This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road - OGIS College Park, MD 20740-6001 E-mail: <u>ogis a nara gov</u> Web: <u>https://ogis.archives.gov</u> Telephone: 202-741-5770/Toll-free: 1-877-684-6448/Fax: 202-741-5769

This completes the response to your FOIA request by the Office of Indian Services. If you have additional questions concerning this request, please feel free to contact the Office of Indian Services FOIA Coordinator, Wakinyan Howaste, at: (202) 513-7641.

Sincerely.

Hankie P. Ortiz -

Deputy Bureau Director Office of Indian Services

cc: Director, Alaska Regional Office
 Director, Eastern Regional Office
 Director, Eastern Oklahoma Regional Office
 Director, Great Plains Regional Office
 Director, Midwest Regional Office
 Director, Northwest Regional Office
 Director, Pacific Regional Office
 Director, Rocky Mountain Regional Office
 Director, Southern Plains Regional Office
 Director, Southwest Regional Office
 Director, Southern Plains Regional Office
 Director, Southwest Regional Office



your FOIA request on December 2, 2014. Your request was designated as FOIA Control No. 2015-00421 and assigned to the Office of Indian Services (OIS) on December 9, 2014. Please cite the referenced FOIA control number on any future correspondence concerning this request.

Your request states that you were seeking the following information:

"access to and copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States"

We have classified your request as a "media use" request. As a "media use" requester you are entitled to all search and review time, and the first 100 pages duplicated to provide responsive records to your request free of charge.

After searching our records, the FOIA Coordinator for the Office of Indian Services was not able to locate any files that were responsive to your request in our Washington D.C. office.

Under 43 CFR § 2.7(d), a bureau is not required to create or compile a record to respond to a FOIA request. The Act applies only to records in the bureau's possession and control as of the date the bureau begins its search for responsive records. Under the FOIA, agencies are not required to conduct original research to satisfy FOIA requests.

In an effort to assist you to obtain the material requested, the FOIA Coordinator for the Office of Indian Services researched the internet and found a large number of tribal constitutions are available to the public on the following websites:

http://www.narf/org/nill/Constitutions/yanktoneonst/constitutionandbylaws.pdf http://www.rosebudsiouxtribe-nsn.gov/government/tribal-laws/constitution/42-article-ii http://www.oglalalakotanation.org/oln/~Tribal_Constitution.html http://www.narf.org/nill/triballaw/constitutions.htm?gelid=CN3C5Lup2sICFSaCMgod6 mEARw

http://thorpe.ou.edu/const.html

http://www.tribal-institute.org/lists-constitutions.htm

http://libguides.law/ucla.edu/content.php?pid=368042&sid=3060100 http://mlic.utulsa.libguides.com/content.php?pid=171864&sid=1447023 http://www.nd.gov/indianaffairs.?id=67 http://www.judicare.org/Content/Tribal_Constitutions__Codes.cfm

Please be aware that the FOIA does not require the BIA to do research for you. However, as a courtesy, in this instance our FOIA coordinator did do the research.

Should you still find the need to request a FOIA on a different topic, please be as specific as possible because the Department has a decentralized record keeping system. A FOIA request can be sent directly to each of our twelve regional offices. For a comprehensive listing of our regional offices, please see "Section 2" of our "Tribal Leaders Directory" which may be found at the following website:

http://www.bia.gov/cs/groups/webicam/documents/document/idc1-028053.pdf

This response was made in consultation with Angela Kelsey. Attorney-Advisor, Office of the Solicitor, Division of Indian Affairs, Washington, D. C.

If you feel the information we have provided is incorrect, you may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 30 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the [Bureau]'s response is in error. You must also include with your appeal copies of all correspondence between you and [Bureau] concerning your FOIA request, including your original FOIA request and [Bureau]'s response. Failure to include with your appeal all correspondence between you and [Bureau] will result in the Department's rejection of your appeal, unless the FOIA Privacy Act Appeals Officer determines (in the FOIA Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

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DOI FOIA/Privacy Act Appeals Office Contact Information:

Department of the Interior Office of the Solicitor 1849 C Street, N.W., MS-6556 MIB Washington, DC 20240 Attn: FOIA Privacy Act Appeals Office Telephone: (202) 208-5339 Fax: (202) 208-6677 Email: <u>FOLA: Appeals a sol doi gov</u>

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See <u>54.3.C.552(c)</u>. This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

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This completes the response to your FOIA request by the Office of Indian Services. If you have additional questions concerning this request, please feel free to contact the Office of Indian Services FOIA Coordinator, Wakinyan Howaste, at: (202) 513-7641.

Sincerely,

Hankie P. Ortiz Deputy Bureau Director Office of Indian Services

Director. Alaska Regional Office Director. Eastern Regional Office Director. Eastern Oklahoma Regional Office Director. Great Plains Regional Office Director. Midwest Regional Office Director. Navajo Regional Office Director. Northwest Regional Office Director. Pacific Regional Office Director. Rocky Mountain Regional Office Director. Southern Plains Regional Office Director. Southwest Regional Office Director. Western Regional Office

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b.c. <u>BLA Surmane</u> OR Records Officer File location K. ON GRN 14, 31 DER VALON 1200 DECEMPTOPHEC FORVED V2015/00421, KEMPER, KeNER DR NET UNIN-Revoed draft 12/23 DENNE, Kempti DDV-2015/00420.



United States Department of the Interior BUREAU OF INDIAN AFFAIRS Washington, DC 20240

FOIA BIA-2015-00421

Kevin R. Kemper Exemption 6 Exemption 6 SURNAME 12-23-14 12-23-14 532 DTA 12-23-14 12-23-14

Dear Mr. Burke:

The Assistant Secretary-Indian Affairs' Freedom of Information Act (FOIA) Office received your FOIA request on December 2, 2014. Your request was designated as FOIA Control No. 2015-00421 and assigned to the Office of Indian Services (OIS) on December 9, 2014. Please cite the referenced FOIA control number on any future correspondence concerning this request.

Your request states that you were seeking the following information:

"access to and copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States"

We have classified your request as a "media use" request. As a "media use" requester you are entitled to all search and review time, and the first 100 pages duplicated to provide responsive records to your request free of charge.

After searching our records, the FOIA Coordinator for the Office of Indian Services was not able to locate any files that were responsive to your request in our Washington D.C. office.

Under 43 CFR § 2.7(d), a bureau is not required to create or compile a record to respond to a FOIA request. The Act applies only to records in the bureau's possession and control as of the date the bureau begins its search for responsive records. Under the FOIA, agencies are not required to conduct original research to satisfy FOIA requests.

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Department of the Interior Office of the Solicitor 1849 C Street, N.W., MS-6556 MIB Washington, DC 20240 Attn: FOIA/Privacy Act Appeals Office Telephone: (202) 208-5339/Fax: (202) 208-6677 Email: <u>FOIA_Appeals@sol.doi.gov</u>

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Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road - OGIS College Park, MD 20740-6001 E-mail: ogis a nara.gov Web: https://ogis.archives.gov Telephone: 202-741-5770/Toll-free: 1-877-684-6448/Fax: 202-741-5769

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Sincerely,

Hankie P. Ortiz Deputy Bureau Director Office of Indian Services

cc: Director, Alaska Regional Office Director, Eastern Regional Office Director, Eastern Oklahoma Regional Office Director, Great Plains Regional Office Director, Midwest Regional Office Director, Navajo Regional Office Director, Northwest Regional Office Director, Pacific Regional Office Director, Rocky Mountain Regional Office Director, Southern Plains Regional Office Director, Southwest Regional Office Director, Western Regional Office bcc BLA Surmane OIS Records Officer File location: K. OIS/GRS 14: 11 FOIA All OIS/1200 Directors Office: FOIA BLA-2015-00421_KEMPER_kevin R DRAFT 1 whw Revised draft 12:23:14 AMK, Kemper BIA-2015-00421

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1899 L Street, NW Suite 200 Washington, DC 20036 (202) 508-1100 | Phone (202) 861-9888 | Fax

LEVINE SULLIVAN KOCH & SCHULZ, LLP

Matthew E Kelley (202) 508-1112 mekelley@isksiaw.com

20 days of

FOIA Appeals officer Did Not Recpond to Appeal W/in

January 29, 2015

AND FAX: (202) 208-6677

Ottice of the Solicitor St., NW, Mail Stop 6556-MIB Ington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Re: Freedom of Information Act Appeal: Request No. 2015-00421

To the FOIA Appeals Officer:

I represent Dr. Kevin Kemper in connection with his Freedom of Information Act request dated December 1, 2014, to the Bureau of Indian Affairs ("BIA"). A copy of that request, which has been designated as FOIA Control No. 2015-00421, is attached as Exhibit 1. This administrative appeal pursuant to the Freedom of Information Act, 5 U.S.C. § 552, et seq, chillenges the functional denial of Dr. Kemper's request, in which BIA asserted that it could locate no responsive documents.

By way of background, Dr. Kemper requested "access to and copies of each and every trinition, articles of incorporation, or similar organizing document ever passed for or by each urrent federally-recognized American Indian or Alaska Native tribes in the United States." Ex 1 at 1.¹ As outlined below, BIA is *required*, by statute and regulation, to have the urrent ds responsive to Dr. Kemper's request.

By letter dated December 23, 2014, attached as Exhibit 2, Hankie P. Ortiz, Deputy Director of the Office of Indian Services, functionally denied Dr. Kemper's request. The asserted that "the FOIA Coordinator for the Office of Indian Services was not able to locate any files that were responsive to your request in our Washington, D.C. office." Ex. 2 at 1. This denial was in error because the search for responsive documents was facially inadequate.

Washington New York Philadelphia Deriver

¹ Dr Kemper also requested, and was granted, "media use" status for this request, a determination that is not at issue in this appeal

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FOIA APPEAL Request No. 2015-00421 January 29, 2015 Page 2

The BIA apparently searched only files in the Washington, D.C., office of the Office of indian Services. Ex. 2 at 1. The agency also asserted that the Interior Department has a "decentralized record keeping system" and suggests filing separate requests with each of the SUA regional offices. Id. at 2. Given these facts, a search of the headquarters files of one three is patently insufficient to meet the agency's obligations under FOIA. Limiting the search to just this one record system is precisely the type of search that the D.C. Circuit has repeatedly acted to be inadequate as a matter of law. Campbell, 164 F.3d at 28; Oglesby, 920 F.2d at 68. The LA's assertion that "agencies are not required to conduct original research to satisfy FOIA to do the be indeduced" is therefore misleading; it is well settled that the agency is required to search its own records in more than just a perfunctory manner. Valencia-Lucena, 180 F.3d at 325 (noting that "The Law in this circuit on agency obligations under FOIA is long-established").²

Moreover, it is simply not credible that the BIA knows of no record systems likely to stantain copies of tribal constitutions or articles of incorporation. Nor is it credible that it lacks only of any tribal constitutions or articles of incorporation. The BIA's function as a haison where the Executive Branch and the tribes and specific federal statutes and regulations all tespare the agency to have tribal constitutions and articles of incorporation on hand. For example, tribal governments organized under the Indian Reorganization Act have, since the Act's passage in 1934, been required to submit their proposed constitutions for approval by the based are designed. 25 U.S.C. § 476; *Kerr-McGee Corp. v. Navajo Tribe of Indians*, 471 U.S. 195, 198-99 (1985); *Thomas v. United States*, 189 F.3d 662, 664 (7th Cir. 1999); *see also* 2. C.a.R. § 81.24 (requiring, *inter alia*, that text of proposed tribal constitutions be provided to

² The denial letter states that the agency is "not required to create or compile a record to respond to a FOIA request. See Ex. 2 at 1 (citing 43 C F R, § 2.7(d)). This may be true, but it is irrelevant. Dr. Keinper did not ask the BLC to create any tribal constitutions, but rather seeks copies of those tribal constitutions in the agency's prostruction custody or control.

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FOIA APPEAL Request No. 2015-00421 January 29, 2015 Page 3

the "Commissioner of Indian Affairs"). This federal approval process for tribal constitutions has resulted in extensive litigation involving the BIA and the Department. See, e.g., California Valley Miwok Tribe v. United States, 515 F.3d 1262 (D.C. Cir. 2008); Shakopee Mdewakanton anne (Dakota) Cmty, v. Babbitt, 107 F 3d 667 (8th Cir. 1997); King v. Norton, 160 F. Supp. 2d 715 (E.D. Mich. 2001). Thus, the BIA is required, by statute and regulation, to have records responsive to Dr. Kemper's request. These records must be released to him.

While this request, like all FOIA requests, imposes costs on the agency, "Congress determined its ultimate policy of open government should take precedence." Valencia-Lucena, 80 F.3d at 325. In this case, the public interest in full disclosure is particularly strong. Both abal members and non-Indians who interact with tribal nations deserve access to the oundational documents of tribal governments. So, too, do journalists - Native and non-Native alike - who report on the activities of tribal governments. Not only is the BIA required by law to release these documents to Dr. Kemper (and any other citizen who requests them), its mission to upport tribal governments and tribal members is well served by doing so.

For all of the foregoing reasons, we request that this office reverse the functional denial of Dr. Kemper's request by virtue of a legally inadequate search and direct the BIA to perform a tiligent and good-faith search of all systems of records (wherever they are located) likely to include copies of tribal constitutions, articles of incorporation, and all other documents responsive to his request, and then promptly to release to him copies of the responsive documents located as a result of that search.

We request that the agency provide us with a decision within 20 business days, as warred by the statute. See 5 U.S.C. § 552(a)(6)(A)(ii). We thank you for your attention to this tratter and for the agency's willingness to reconsider its position in light of the information and authorities we have provided in this appeal.

Sincerely,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By <u>A</u> The Matthew F. Kellev

Enclosures



United States Department of the Interior

BURFAU OF INDIAN AFFAIRS Washington, DC: 20240



FOIA BIA-2015-00421

Kevin R. Kemper Exemption 6

Dear Mr. Kemper:

The Assistant Secretary-Indian Affairs' Freedom of Information Act (FOIA) Office received your FOIA request on December 2, 2014 Your request was designated as FOIA Control No. 2015-00421 and assigned to the Office of Indian Services (OIS) on December 9, 2014. Please cite the referenced FOIA control number on any future correspondence concerning this request.

Your request states that you were seeking the following information:

"access to and copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States"

We have classified your request as a "media use" request. As a "media use" requester you are entitled to all search and review time, and the first 100 pages duplicated to provide responsive records to your request free of charge

After searching our records, the FOIA Coordinator for the Office of Indian Services was not able to locate any files that were responsive to your request in our Washington D.C. office.

Under 43 CFR § 2.7(d), a bureau is not required to create or compile a record to respond to a FOIA request. The Act applies only to records in the bureau's possession and control as of the date the bureau begins its search for responsive records. Under the FOIA, agencies are not required to conduct original research to satisfy FOIA requests.

In an effort to assist you to obtain the material requested, the FOIA Coordinator for the Office of Indian Services researched the internet and found a large number of tribal constitutions are available to the public on the following websites:

http://www.narf.org/nill/Constitutions/vanktoneonst/constitutionandbylaws.pdf http://www.rosebudsiouxtribe-nsn.gov/government/tribal-laws/constitution/42-article-ii http://www.oglalalakotanation.org/oln -Tribal_Constitution.html http://www.narf.org/nill/triballaw/constitutions.htm?gelid=CN3C51.up2sICFSaCMgod6 mEARw http://thorpe.ou.edu/const.html

http://www.tribal-institute org lists constitutions.htm

http://libguides.law.ucla.edu/content.php?pid=368042&sid=3066100 http://mlic.utulsa.libguides.com/content.php?pid=171864&sid=1447023 http://www.nd.gov/indianaffairs/?id=67 http://www.judicare.org/Content/Tribal Constitutions Codes.cfm

Please be aware that the FOIA does not require the BIA to do research for you. However, as a courtesy, in this instance our FOIA coordinator did do the research.

Should you still find the need to request a FOIA on a different topic, please be as specific as possible because the Department has a decentralized record keeping system. A FOIA request can be sent directly to each of our twelve regional offices. For a comprehensive listing of our regional offices, please see "Section 2" of our "Tribal Leaders Directory" which may be found at the following website:

http://www.bia.gov/cs/groups/webteam/documents/document/idc1-028053.pdf

This response was made in consultation with Angela Kelsey, Attorney-Advisor, Office of the Solicitor, Division of Indian Affairs, Washington, D. C.

If you feel the information we have provided is incorrect, you may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal <u>no later than 30 workdays</u> from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the [Bureau]'s response is in error. You must also include with your appeal copies of all correspondence between you and [Bureau] concerning your FOIA request, including your original FOIA request and [Bureau]'s response. Failure to include with your appeal all correspondence between you and [Bureau] will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information:

Department of the Interior Office of the Solicitor 1849 C Street, N.W., MS-6556 MIB Washington, DC 20240 Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339/Fax: (202) 208-6677 Email: <u>FOIA.Appeals@sol.doi.gov</u>

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See <u>5 U.S.C. 552(c)</u>. This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road - OGIS College Park, MD 20740-6001 E-mail: <u>ogis@nara.gov</u> Web: <u>https://ogis.archives.gov</u> Telephone: 202-741-5770/Toll-free: 1-877-684-6448/Fax: 202-741-5769

This completes the response to your FOIA request by the Office of Indian Services. If you have additional questions concerning this request, please feel free to contact the Office of Indian Services FOIA Coordinator, Wakinyan Howaste, at: (202) 513-7641.

Sincerely,

Hankie P. Ortiz 🥿

Hankie P. Ortiz Deputy Bureau Director Office of Indian Services

cc: Director, Alaska Regional Office Director, Eastern Regional Office Director, Eastern Oklahoma Regional Office Director, Great Plains Regional Office Director, Midwest Regional Office Director, Navajo Regional Office Director, Northwest Regional Office Director, Pacific Regional Office Director, Rocky Mountain Regional Office Director, Southern Plains Regional Office Director, Southwest Regional Office Director, Western Regional Office

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	TED STATES DISTRICT COURT THE DISTRICT OF COLUMBIA	
Kevin R. Kemper	,	
Plaintiff		
Υ.)) Civil Action No. ¹	(:15-cv-00771 (APM)
United States Department of the Interi	`	
Defendanı) }	
		Received in
SI	UMMONS IN A CIVIL ACTION	JUN 2 3 2015
	te of the United States Attorney	General Legal Services

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

555 4th Street, NW Washington, DC 20530

Matthew E. Kelley Chad Bowman Levine Sullivan Koch & Schulz, LLP 1899 L Street, NW Suite 200 Washington, DC 20036

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

/s/ Sherryl Horn Signature of Clerk or Deputy Clerk

> DE CESTALE AL

Date: 5/27/2015

To:

FOIA Summons 1/13 CIVIL COVER SHEET

JS-44 (Rev. 7/13 DC)									
I. (a) PLAINTIFFS			DEFENDA	INTS					
Kevin R Kemper			United States Department of the Interior						
4833 Oxiey Road			1849 C Street, NW						
Mill Creek, OK 74856			Washington, DC 20240						
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF JOHNSTON (EXCEPT IN U.S. PLAINTIFF CASES)			COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT						
(c) ATTORNEYS (FIRM NAME, ADDRE	SS, AND TELEPHONE NUMBER)		ATTORNEYS	(IF KNOW	'N)				
Matthew E. Kelley & Chad E	lowman								
Levine Sullivan Koch & Sch									
1849 L Street, NW, Suite 20									
Washington, DC 20036	-								
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Case 1.15-cv-00771 Document 2 Filed 05/20/15 Page 2 of 2

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VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.) Violation of 5 U.S.C. Section 552.						
VII. REQUESTED IN COMPLAINT CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ Check YES only if demanded in complaint JURY DEMAND: Check YES only if demanded in complaint						
VIII. RELATED CASE(S) (See instruction) YES NO X If yes, please complete related case form						
DATE:05/26/2015	SIGNATURE OF ATTORNEY OF REC	CORD DE				

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of eitizenship was selected as the Basis of Jurisdiction under Section II
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the <u>primary</u> cause of action found in your complaint. You may select only <u>one</u> category. You <u>must</u> also select <u>one</u> corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

KEVIN R. KEMPER, Exemption 6 Exemption 6

Plaintiff,

٧.

UNITED STATES DEPARTMENT OF THE INTERIOR, 1849 C Street, NW Washington, D.C. 20240

Defendant.

Case No. 1:15-cv-771

COMPLAINT

Plaintiff Kevin R. Kemper, by and through his undersigned attorneys, alleges:

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C.

§§ 552, et seq., brought by Kevin R. Kemper, Ph.D ("Dr. Kemper" or "Plaintiff"). Dr. Kemper brings this action for injunctive and other appropriate relief, seeking the release of agency records from the Bureau of Indian Affairs ("BIA") of the United States Department of the Interior ("Interior" or "DOI").

2. Through this action, Dr. Kemper seeks to compel the BIA and Interior to make a reasonable search for and provide copies of each version of the constitution, articles of incorporation or other organic legal document of each American Indian and Alaska Native tribal government within the United States. Dr. Kemper intends to organize and provide these documents online so that tribal members, researchers and visitors to tribal lands may know and understand what the law is.

Case 1.15-cv-00771 Document 1 Filed 05/20/15 Page 2 of 10

3. After Dr. Kemper filed his request to BIA under FOIA in December 2014, the agency performed a perfunctory search of one headquarters office and responded that it could not locate *any* copy of *any* constitution or articles of incorporation of *any* of the hundreds of Indian nations whose relations with the federal government the BIA administers.

4. Skeptical of the BIA's dubious claim, Dr. Kemper filed an administrative appeal to Interior of the constructive denial of his request based upon a legally inadequate search. Dr. Kemper's appeal noted that the BIA's assertion was suspect because it should have these documents on hand: Federal statutes and regulations require tribes to submit copies of their constitutions to the BIA, for example. Simply put, the BIA's claim not to be able to locate even one copy of one tribe's foundational legal documents shows that it did not conduct a reasonable and diligent search.

5. To date, Interior has failed to respond to Dr. Kemper's administrative appeal. Because the BIA and Interior have failed to live up to their obligations under FOIA, this Court should compel them to abide by the law, perform a reasonable search, and release copies of all tribal constitutions and articles of incorporation.

PARTIES

 Plaintiff Kevin R. Kemper is an independent researcher and former assistant professor of journalism. He holds a Ph.D in journalism, as well as a juris doctorate and LL.M. His address is Exemption 6

7. Defendant Interior and its Bureau of Indian Affairs are agencies of the federal government which have possession, custody and/or control of the records Dr. Kemper seeks. Interior and BIA are headquartered at 1849 C Street, NW, Washington, DC 20240.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action and personal jurisdiction over Interior pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

9. Venue is proper in this district under 5 U.S.C. § 552(a)(4)(B).

10. Dr. Kemper is deemed to have exhausted all of his administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C) because Interior has failed to respond within the statutorily mandated time limit of twenty working days after receipt of his administrative appeal. 5 U.S.C. § 552(a)(6)(A)(ii).

FACTS

11. FOIA "focuses on the citizens' right to be informed about 'what their government is up to,'" by fostering the release of "[0]fficial information that sheds light on an agency's performance of its statutory duties." *DOJ v. Reporters Comm. For Freedom of the Press*, 489 U.S. 749, 773 (1989) (citation omitted). "[D]isclosure, not secrecy, is the dominant objective" of FOIA. *Dep't of Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 8 (2001) (internal quotation marks and citations omitted). The fact that requested records originated with or relate to American Indian or Alaska Native governments is no bar to their release because, as the Supreme Court observed, there is no "Indian trust" exemption to FOIA. *Id.* at 15-16.

12. One of President Obama's first acts after taking office was to state his administration's policy regarding FOIA, instructing agency managers that "[t]he Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails.... Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve." Presidential Memorandum, Freedom of Information Act, 74 Fed. Reg. 4,683 (Jan. 21, 2009). 13. On December 1, 2014, Dr. Kemper submitted a request to the BIA seeking "access to and copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States." Ex. A at 1. A true and correct copy of this FOIA request is attached hereto as Exhibit A.

14. Dr. Kemper explained that he intends to make these documents available "to the general public on a Web site dedicated to serving journalists and journalism, general circulation and professional publications, and academic publications."

15. The public interest in obtaining access to these records is undeniable. Tribal members deserve access to their governments' fundamental laws. So, too, do non-members whose travel, business, or entertainment activities can bring them into contact with those tribal governments. Journalists, both Indian and non-Indian alike, will be better able to inform the public regarding tribal government when these foundational documents are available. And researchers and academics in fields such as law, political science, public policy and American Indian studies will be able to analyze these basic legal documents to provide greater insight and understanding.

16. The BIA responded by letter dated December 23, 2014, signed by Hankie P. Ortiz, Deputy Bureau Director of the Office of Indian Services (the "Response"). A true and correct copy of this letter is attached hereto as Exhibit B.

17. The Response stated that "[a]fter searching our records, the FOIA Coordinator for the Office of Indian Services was not able to locate any files that were responsive to your request in our Washington D.C. office." Ex. B at 1.

Case 1:15-cv-00771 Document 1 Filed 05/20/15 Page 5 of 10

18. The Response also stated that "the Department [of the Interior] has a decentralized record keeping system" and suggested that "[a] FOIA request can be sent directly to each of our twelve regional offices." *Id.* at 2. The Response did not explain why, given these assertions, the BIA limited its search to the Washington, D.C. office of the Office of Indian Services.

 Federal agencies are required to "make more than perfunctory searches and, indeed, to follow through on obvious leads to discover requested documents." Valencia-Lucena
 U.S. Coast Guard, 180 F.3d 321, 325-26 (D.C. Cir. 1999).

20. Further, a federal agency responding to a FOIA request must show "beyond material doubt that its search was reasonably calculated to uncover all relevant documents." *Valencia-Lucena*, 180 F.3d at 325 (internal quotations omitted).

21. Interior and the BIA cannot make this showing. Rather, the opposite is true: It is beyond material doubt that BIA's search was not "reasonably calculated to uncover all relevant documents."

22. According to the BIA, the search encompassed the records of only the Washington headquarters of only one office. The BIA provided neither explanation nor justification for its restricting the search in this manner. Given that BIA has a decentralized record-keeping system where records are dispersed among Washington headquarters and a dozen regional offices, searching one office in Washington cannot possibly constitute an adequate search under the law.

23. Although an agency responding to a FOIA request "generally need not 'search every record system," it "cannot limit its search to only one record system if there are others that are likely to turn up the information requested." *Campbell v. U.S. Dep't of Justice*, 164

F.3d 20, 28 (D.C. Cir. 1998) (quoting Oglesby v. U.S. Dep't of Army, 920 F.2d 57, 68 (D.C. Cir. 1990)). Unfortunately, that is precisely what the BIA did regarding Dr. Kemper's Request.

24. Moreover, as discussed further *infra*, the fact that the office in question is required by law to have responsive records is further proof that the search was inadequate. In other words, any conceivably appropriate search would have resulted in the discovery and release of responsive records.

25. Dr. Kemper, through counsel, filed a timely administrative appeal (the "Appeal") to the Interior Solicitor's office on January 29, 2015. A true and correct copy of the Appeal is attached hereto as Exhibit C.

26. The Appeal noted that "BIA is *required*, by statute and regulation, to have records responsive to Dr. Kemper's request." Ex. C at 1 (emphasis in original). For example, the Indian Reorganization Act since its passage in 1934 has required those tribal governments organized pursuant to its provisions to submit their proposed constitutions or other organic documents for approval by the Secretary of the Interior or her designee. Ex. C at 2-3 (citing 25 U.S.C. § 476; *Kerr-McGee Corp. v. Navajo Tribe of Indians*, 471 U.S. 195, 198-99 (1985); *Thomas v. United States*, 189 F.3d 662, 664 (7th Cir. 1999); 25 C.F.R. § 81.24 (requiring, *inter alia*, that text of proposed tribal constitutions be provided to the "Commissioner of Indian Affairs")).

27. As the Appeal also stated, the process for Interior Department approval of tribal governing documents has resulted in extensive litigation involving BIA and Interior. Ex. C at 3 (citing *California Valley Miwok Tribe v. United States*, 515 F.3d 1262 (D.C. Cir. 2008); *Shakopee Mdewakanton Sioux (Dakota) Cmty. v. Babbitt*, 107 F.3d 667 (8th Cir. 1997); *King v. Norton*, 160 F. Supp. 2d 755 (E.D. Mich. 2001)).

28. Information posted on the BIA's own website is further proof that the BIA has records responsive to the Request. The Office of Indian Services states that the Tribal Relations staff within the office's Division of Tribal Government Services assists tribes with the development and approval of tribal constitutions and articles of incorporation. The BIA website explains that:

The functions of Tribal Relations include the review and approval of tribal organic documents as required by Federal (25 U.S.C. 476) or Tribal law. The organic documents may include new constitutions primarily for the newly recognized tribes, amendments to existing constitutions or total revisions of existing constitutions. Tribal Relations staff provides technical assistance to tribes with the initial drafting of a new constitution, an amendment or revision.

Ex. D at 2 (emphasis added). A true and correct copy of this portion of the BIA website is attached hereto as Exhibit D and is available online at:

http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/index.htm.

29. If the BIA is providing technical assistance to tribes in drafting new or revised constitutions without the benefit of having any existing or past tribal constitutions on hand, it is utterly failing its trust responsibility to the tribes. Unless those BIA experts assisting with constitutional drafting are providing uninformed advice, they are relying on previously enacted tribal constitutions and articles of incorporation, and those records are responsive to the Request and must be released. It strains credulity to assert that the Office of Indian Services, which provides technical assistance, review and approval of proposed tribal constitutions, cannot locate any copies of those constitutions it has reviewed, approved, or assisted tribes in drafting.

30. The BIA's Division of Tribal Government Services also makes available on its website a document labeled "Sample Constitution," which provides a suggested framework for a three-branch tribal government. Ex. E. This document states that the sample constitution's contents "are not provisions required by the BIA," but that "[t]he BIA Agency and Regional

Offices will provide technical assistance to Tribal governments in the development of constitutional provisions." *Id.* at 1. A true and correct copy of the "Sample Constitution" is attached hereto as Exhibit E and is available online at:

http://www.bia.gov/cs/groups/public/documents/text/idc-001884.pdf

31. Although the "Sample Constitution" is not itself a responsive record, its existence on the BIA's website provides further proof that the BIA must have copies of the tribal constitutions on which it is modeled (and those modeled upon it, if any exist).

32. Interior has not responded to Dr. Kemper's administrative appeal as of the date of filing of this action. Because more than 20 working days have elapsed since the filing of the administrative appeal, Dr. Kemper is deemed to have exhausted his administrative remedies by operation of law. 5 U.S.C. § 552(a)(6).

FIRST CAUSE OF ACTION (Violation of FOIA for failure to conduct a reasonable search)

33. Dr. Kemper repeats, realleges, and incorporates the allegations in the foregoing paragraphs as though fully set forth herein.

34. Interior and BIA are agencies subject to FOIA, 5 U.S.C. § 552(f), and therefore had an obligation to conduct a search reasonably calculated to uncover all records responsive to the Request.

35. The BIA's limited search of the records of one headquarters office was legally inadequate, and as a result Interior has manifestly failed to satisfy its obligations to diligently search for responsive records under FOIA, 5 U.S.C. § 552(a)(3).

SECOND CAUSE OF ACTION (Violation of FOIA for failure to make records available)

36. Dr. Kemper repeats, realleges, and incorporates the allegations in the foregoing paragraphs as though fully set forth herein.

37. Interior and BIA are agencies subject to FOIA, 5 U.S.C. § 552(f), and therefore must disclose in response to a FOIA request all responsive records in their possession at the time of the Request that are not specifically exempt from disclosure under FOIA, and must provide a lawful reason for withholding any records as to which it is claiming an exemption.

38. Interior's failure timely to disclose the records requested by Dr. Kemper violatesFOIA, 5 U.S.C. § 552(a)(3)(A).

REQUEST FOR RELIEF

WHEREFORE, Dr. Kemper respectfully requests that this Court:

- a. Expedite consideration of this Complaint pursuant to 28 U.S.C. § 1657;
- b. Declare that the records sought by Dr. Kemper's Request, as more particularly described above, are public records pursuant to 5 U.S.C.
 § 552, that the BIA and Interior failed to conduct a reasonable and diligent search for the records as required by 5 U.S.C. § 552(a)(3), and that the records must be disclosed;
- Order Interior to provide those records to Dr. Kemper within 20 business days of the Court's order;
- d. Award Dr. Kemper the costs of this proceeding, including reasonable attorneys' fees, as authorized by 5 U.S.C. § 552(a)(4)(E); and
- e. Grant Dr. Kemper such other and further relief as this Court deems just and proper.

Dated: May 26, 2015

1

Respectfully submitted,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: <u>/s/</u>

Matthew E. Kelley (D.C. Bar No. 1018126) Chad R. Bowman (D.C. Bar No. 484150) 1899 L Street, N.W., Suite 200 Washington, D.C. 20036 Telephone: (202) 508-1136 Fax: (202) 861-9888 mekelley@lskslaw.com cbowman@lskslaw.com

Counsel for Plaintiff Kevin R. Kemper
Case 1:1-cv-00771 Document 1-1 Filed 05/2, 45 Page 1 of 33

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ExhibitA

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December 1, 2014

FOIA Officer Department of Interior Bureau of Indian Affairs 1849 C Street, NW Office of the Assistant Secretary, MS-3071, MIB Washington, DC 20240 (202) 208-4174 foia@bia.gov

FOIA REQUEST

Fee benefit requested

Fee waiver requested

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States. For instance, if a tribe has had three constitutions, I want all three versions. I also know that some tribes have articles of incorporation instead of constitutions, so I request those, too.

I respectfully ask to receive the information in PDF copies sent electronically.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$100. However, please notify me prior to your incurring any expenses in excess of that amount.

As a free-lance representative of the news media, I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on provisions of tribal constitutions, articles of incorporation, and/or similar organizing documents that is of current interest Kemper 1 December 2014 FOIA Request

to the public because citizens needs to know the boundaries set by tribal law. This information is being sought for dissemination to the general public on a Web site dedicated to serving journalists and journalism, general circulation and professional publications, and academic publications.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of tribal and federal government operations and activities. Again, I plan to share these documents with scholars, professionals, and the general public in academic and professional publications, as well as on the Internet, so that we can understand how to obey and respect tribal laws. This is of the utmost public importance, as the Bureau of Indian Affairs in its trust relationship with tribes has an obligation to help the general public know how to know, respect, and follow tribal laws in Indian Country.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a part of news and research projects, and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

Please provide expedited processing of this request that concerns a matter of urgency. I am primarily engaged in disseminating information. Again, the public has an urgent need for information about tribal laws because so they can understand and follow those laws. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

/s/Kevin R. Kemper

Kevin R. Kemper

(not licensed to practice law)

Case 1:10-cv-00771 Document 1-1 Filed 05/26/15 Page 4 of 33

Exhibit B

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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS Washington, DC 20240

DEC 23 2014

FOIA BIA-2015-00421

Kevin R. Kemper Exemption 6 Exemption 6

Dear Mr. Kemper:

The Assistant Secretary-Indian Affairs' Freedom of Information Act (FOIA) Office received your FOIA request on December 2, 2014. Your request was designated as FOIA Control No. 2015-00421 and assigned to the Office of Indian Services (OIS) on December 9, 2014. Please cite the referenced FOIA control number on any future correspondence concerning this request.

Your request states that you were seeking the following information:

"access to and copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States"

We have classified your request as a "media use" request. As a "media use" requester you are entitled to all search and review time, and the first 100 pages duplicated to provide responsive records to your request free of charge.

After searching our records, the FOIA Coordinator for the Office of Indian Services was not able to locate any files that were responsive to your request in our Washington D.C. office.

Under 43 CFR § 2.7(d), a bureau is not required to create or compile a record to respond to a FOIA request. The Act applies only to records in the bureau's possession and control as of the date the bureau begins its search for responsive records. Under the FOIA, agencies are not required to conduct original research to satisfy FOIA requests.

In an effort to assist you to obtain the material requested, the FOIA Coordinator for the Office of Indian Services researched the internet and found a large number of tribal constitutions are available to the public on the following websites:

http://www.narf.org/nill/Constitutions/yanktonconst/constitutionandbylaws.pdf http://www.rosebudsiouxtribe-nsn.gov/government/tribal-laws/constitution/42-article-ii http://www.oglalalakotanation.org/oln/-Tribal_Constitution.html http://www.narf.org/nill/triballaw/constitutions.htm?gclid=CN3C5Lup2sICFSaCMgod6 mEARw http://thorpe.ou.edu/const.html http://thorpe.ou.edu/const.html http://libguides.law.ucla.edu/content.php?pid=368042&sid=3066100 http://mlic.utulsa.libguides.com/content.php?pid=171864&sid=1447023 http://www.nd.gov/indianaffairs/?id=67 http://www.judicare.org/Content/Tribal Constitutions Codes.cfm

Please be aware that the FOIA does not require the BIA to do research for you. However, as a courtesy, in this instance our FOIA coordinator did do the research.

Should you still find the need to request a FOIA on a different topic, please be as specific as possible because the Department has a decentralized record keeping system. A FOIA request can be sent directly to each of our twelve regional offices. For a comprehensive listing of our regional offices, please see "Section 2" of our "Tribal Leaders Directory" which may be found at the following website:

http://www.bia.gov/cs/groups/webteam/documents/document/idc1-028053.pdf

This response was made in consultation with Angela Kelsey, Attorney-Advisor, Office of the Solicitor, Division of Indian Affairs, Washington, D. C.

If you feel the information we have provided is incorrect, you may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal <u>no later than 30 workdays</u> from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the [Bureau]'s response is in error. You must also include with your appeal copies of all correspondence between you and [Bureau] concerning your FOIA request, including your original FOIA request and [Bureau]'s response. Failure to include with your appeal all correspondence between you and [Bureau] will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information:

Department of the Interior Office of the Solicitor 1849 C Street, N.W., MS-6556 MIB Washington, DC 20240 Attn: FOIA/Privacy Act Appeals Office Telephone: (202) 208-5339/Fax: (202) 208-6677 Email: <u>FOIA.Appeals@sol.doi.gov</u>

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See <u>5 U.S.C. 552(c)</u>. This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road - OGIS College Park, MD 20740-6001 E-mail: ogis@nara.gov Web: https://ogis.archives.gov Telephone: 202-741-5770/Toll-free: 1-877-684-6448/Fax: 202-741-5769

This completes the response to your FOIA request by the Office of Indian Services. If you have additional questions concerning this request, please feel free to contact the Office of Indian Services FOIA Coordinator, Wakinyan Howaste, at: (202) 513-7641.

Sincerely,

Hankie P. Ortiz Deputy Bureau Director Office of Indian Services

cc: Director, Alaska Regional Office Director, Eastern Regional Office Director, Eastern Oklahoma Regional Office Director, Great Plains Regional Office Director, Midwest Regional Office Director, Navajo Regional Office Director, Northwest Regional Office Director, Pacific Regional Office Director, Rocky Mountain Regional Office Director, Southern Plains Regional Office Director, Southwest Regional Office Director, Western Regional Office

Exhibit C



SKSI LEVINE SULLIVAN KOCH & SCHULZ, LLP

1899 L Street, NW Suite 200 Washington, DC 20036 (202) 508-1100 | Phone (202) 861-9888 | Fax

Matthew E. Kelley (202) 508-1112 mekelley@lskslaw.com

January 29, 2015

VIA EMAIL: FOIA.Appeals@sol.doi.gov AND FAX: (202) 208-6677

Department of the Interior Office of the Solicitor 1849 C St., NW, Mail Stop 6556-MIB Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Freedom of Information Act Appeal: Request No. 2015-Re: 00421

To the FOIA Appeals Officer:

I represent Dr. Kevin Kemper in connection with his Freedom of Information Act request dated December 1, 2014, to the Bureau of Indian Affairs ("BIA"). A copy of that request, which has been designated as FOIA Control No. 2015-00421, is attached as Exhibit 1. This administrative appeal pursuant to the Freedom of Information Act, 5 U.S.C. § 552, et seq., challenges the functional denial of Dr. Kemper's request, in which BIA asserted that it could locate no responsive documents.

By way of background, Dr. Kemper requested "access to and copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States." Ex. 1 at 1.1 As outlined below, BIA is required, by statute and regulation, to have records responsive to Dr. Kemper's request.

By letter dated December 23, 2014, attached as Exhibit 2, Hankie P. Ortiz, Deputy Bureau Director of the Office of Indian Services, functionally denied Dr. Kemper's request. The letter asserted that "the FOIA Coordinator for the Office of Indian Services was not able to locate any files that were responsive to your request in our Washington, D.C. office." Ex. 2 at 1. This denial was in error because the search for responsive documents was facially inadequate.

¹ Dr. Kemper also requested, and was granted, "media use" status for this request, a determination that is not at issue in this appeal.

LEVINE SULLIVAN KOCH & SCHULZ, LLP

FOIA APPEAL Request No. 2015-00421 January 29, 2015 Page 2

As the Supreme Court observed in litigation involving the BIA, "the basic policy" of the FOIA is one of "disclosure, not secrecy." *Dep't of Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 8 (2001) (internal quotations omitted). FOIA requires agencies to diligently and in good faith search their records for responsive documents. *Nation Magazine v. U.S. Customs Serv.*, 71 F.3d 885, 890 (D.C. Cir. 1995). The law mandates that agencies must "make more than perfunctory searches and, indeed, to follow through on obvious leads to discover requested documents." *Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 325-26 (D.C. Cir. 1999). Although the agency "generally need not 'search every record system," it "cannot limit its search to only one record system if there are others that are likely to turn up the information requested." *Campbell v. U.S. Dep't of Justice*, 164 F.3d 20, 28 (D.C. Cir. 1998) (quoting *Oglesby v. U.S. Dep't of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)). The agency bears the burden of showing "beyond material doubt that its search was reasonably calculated to uncover all relevant documents." *Valencia-Lucena*, 180 F.3d at 325 (internal quotations ornitted).

The BIA apparently searched only files in the Washington, D.C., office of the Office of Indian Services. Ex. 2 at 1. The agency also asserted that the Interior Department has a "decentralized record keeping system" and suggests filing separate requests with each of the BIA's regional offices. *Id.* at 2. Given these facts, a search of the headquarters files of one office is patently insufficient to meet the agency's obligations under FOIA. Limiting the search to just this one record system is precisely the type of search that the D.C. Circuit has repeatedly held to be inadequate as a matter of law. *Campbell*, 164 F.3d at 28; *Oglesby*, 920 F.2d at 68. The BIA's assertion that "agencies are not required to conduct original research to satisfy FOIA requests" is therefore misleading; it is well settled that the agency is required to search its own records in more than just a perfunctory manner. *Valencia-Lucena*, 180 F.3d at 325 (noting that "[1]he law in this circuit on agency obligations under FOIA is long-established").²

Moreover, it is simply not credible that the BIA knows of no record systems likely to contain copies of tribal constitutions or articles of incorporation. Nor is it credible that it lacks copies of any tribal constitutions or articles of incorporation. The BIA's function as a liaison between the Executive Branch and the tribes and specific federal statutes and regulations all require the agency to have tribal constitutions and articles of incorporation on hand. For example, tribal governments organized under the Indian Reorganization Act have, since the Act's passage in 1934, been required to submit their proposed constitutions for approval by the Secretary or her designee. 25 U.S.C. § 476; *Kerr-McGee Corp. v. Navajo Tribe of Indians*, 471 U.S. 195, 198-99 (1985); *Thomas v. United States*, 189 F.3d 662, 664 (7th Cir. 1999); *see also* 25 C.F.R. § 81.24 (requiring, *inter alia*, that text of proposed tribal constitutions be provided to

² The denial letter states that the agency is "not required to create or compile a record to respond to a FOIA request." See Ex. 2 at 1 (citing 43 C.F.R. § 2.7(d)). This may be true, but it is irrelevant. Dr. Kemper did not ask the BIA to *create* any tribal constitutions, but rather seeks copies of those tribal constitutions in the agency's possession, custody or control.

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FOIA APPEAL Request No. 2015-00421 January 29, 2015 Page 3

the "Commissioner of Indian Affairs"). This federal approval process for tribal constitutions has resulted in extensive litigation involving the BIA and the Department. See, e.g., California Valley Miwok Tribe v. United States, 515 F.3d 1262 (D.C. Cir. 2008); Shakopee Mdewakanton Sioux (Dakota) Cmty. v. Babbitt, 107 F.3d 667 (8th Cir. 1997); King v. Norton, 160 F. Supp. 2d 755 (E.D. Mich. 2001). Thus, the BIA is required, by statute and regulation, to have records responsive to Dr. Kemper's request. These records must be released to him.

While this request, like all FOIA requests, imposes costs on the agency, "Congress determined its ultimate policy of open government should take precedence." *Valencia-Lucena*, 180 F.3d at 325. In this case, the public interest in full disclosure is particularly strong. Both tribal members and non-Indians who interact with tribal nations deserve access to the foundational documents of tribal governments. So, too, do journalists – Native and non-Native alike – who report on the activities of tribal governments. Not only is the BIA required by law to release these documents to Dr. Kemper (and any other citizen who requests them), its mission to support tribal governments and tribal members is well served by doing so.

For all of the foregoing reasons, we request that this office reverse the functional denial of Dr. Kemper's request by virtue of a legally inadequate search and direct the BIA to perform a diligent and good-faith search of *all* systems of records (wherever they are located) likely to include copies of tribal constitutions, articles of incorporation, and all other documents responsive to his request, and then promptly to release to him copies of the responsive documents located as a result of that search.

* * *

We request that the agency provide us with a decision within 20 business days, as required by the statute. See 5 U.S.C. § 552(a)(6)(A)(ii). We thank you for your attention to this matter and for the agency's willingness to reconsider its position in light of the information and authorities we have provided in this appeal.

Sincerely,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: Matthew E. Kelley

Enclosures

Case 1:10-cv-00771 Document 1-1 Filed 05/20/15 Page 12 of 33

Exhibit D

He Monday May 25, 2015

BIA Website

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Home Who We Are BIA OIS Division of Tribal Government Services

Division of Tribal Government Services

Mission Statement

Fo promote awareness of tribal governmental responsibilities and processes, and to provide tribes with the resources they need to foster strong and stable tribal governments in exercising their rights as sovereign nations.

Fribal Government

In accordance with the long-standing Federal policy of supporting Indian self determination as expressed in the Indian Self-Determination and Filucation Assistance Act, as amended Public Law 93-638; Tribal Government Services promotes the sovereignty of federally recognized Tribas. Tribal Government Services carries out this policy by supporting and assisting Indian Tribes in the development and maintenance of strong and stable tribal governments capable of administering quality programs and developing economies of their respective communities.

Fribal Government funds are used to provide staff at the Bureau of Indian Attains (BIA) agency office, or hire staff under a tribal Indian selfdetermination contract to perform tribal government services at the tribal agency level. Support provided includes research and preparation of Certificate of Degree of Indian Blood (CDIB) forms, review of tribal resolutions. liquor ordinances, proposed governing documents requiring action by the BIA line officials, preparation of membership rolls for special (Secretarial) elections or for per capita distributions, and administration of special elections per 25 C F.R. 81. The staff also meets with tribal enrollment offices or commutees on enrollment disenvoltment matters and appeals. In some cases, the Aid to Tribal Government (ATG) funds directly support the activities of the tribal contractor tribal officials in carrying contracted activities on behalf of the Bureau and the tribe.

Tribal Enrollment

I that Enrollment processes enrollment appeals for members of tubes that have observe enrollment actions by Bineau officials. An adverse enrollment action results from the preparation of a tribal toll subject to Secretarial approval or an appeal to the Secretary is provided for in the tubel governing document.

nttp://www.bia.dov/WhoWeAre/BIA/OIS/TribalGovernmentServices/index.htm

The program develops or updates policies, regulations and guidelines concerning tribal enrollment systems.

Tribal Enrollment reviews and approves applications to share in judgment fund per capita distribution to tribal lineal descendents as part of the roll used for distribution of funds appropriated in satisfaction of a Court judgment.

Tribal Government personnel, usually an Enrollment Clerk, located at a regional or agency office processes applications for Certificates of Degree of Indian Blood (CDIB) and Indian Preference in Employment, BIA Form 4432, to anyone who can provide documentation that he or she descends from an American Indian tribe.

The Tribal Enrollment Specialist reviews requests for Indian blood degree changes, certifies enrollment for eagle feather permits, issues Identification cards to individuals eligible to exercise off-reservation treaty rights, and evaluates and approves commercial fishing licenses.

As more tribes develop Indian Gaming activities, the Tribal Enrollment was compelled to serve as a clearinghouse for enrollment information for those individuals seeking to become members of Federally recognized tribes. Tribal Government staff receives numerous inquiries daily; therefore, the division developed tribal profiles, which includes membership criteria for the tribes receiving the most requests such as the Cherokee Nation.

Tribal Relations

The functions of Tribal Relations include the review and approval of tribal organic documents as required by Federal (25 U.S.C. 476) or Tribal law. The organic documents may include new constitutions primarily for the newly recognized tribes, amendments to existing constitutions or total revisions of existing constitutions. Tribal Relations staff provides technical assistance to tribes with the initial drafting of a new constitution, an amendment or revision. Following procedures set forth in 25 C.F.R. Parts 81 and 82, the Bureau authorizes and conducts Secretarial elections where the tribal electorate votes to accept or reject the proposed changes. In addition, Tribal Government staff receives, reviews, and approves petitions for special Secretarial elections in accordance with regulatory requirements.

Tribal Relations reviews Tribal and/or Federal law to determine the tribal officials with whom the BIA maintains a government-to- government relationship and associated with this, maintains a Tribal Leader's Directory. The division publishes an annual Federal Tribal Entities list; the list is widely used by other Federal agencies usually to verify that a tribe is eligible to receive Federal funding provided by that agency.

When required, Tribal Relations staff reviews and comments on new or proposed legislation affecting tribes and Bureau programs. Staff disseminates information for implementation of new enacted legislation and regulations. The program develops or updates policies, regulations and guidelines concerning tribal governing documents. Staff reviews and approves tribal ordinances, tribal resolutions, attorney contracts, attorney fees and expense vouchers when the tribal constitution requires Secretarial approval. Program staff reviews, approves and publishes tribal liquor ordinances as required by Federal law and issue Federal Charters of Incorporation after review and approval.

Regional and agency staff monitors Consolidated Tribal Government Programs and Aid-To-Tribal Government contracts in association with the Division of Self-Determination. Division staff conducts annual program reviews of the field offices in compliance with the audit requirements of A-123. Staff responds to numerous inquiries from Congress, the general public and tribal members concerning a wide range of subjects.

Tribal Claims

Pursuant to the Indian Tribal Judgment Funds Use or Distribution Act, 87 Stat. 466, as amended, the BIA prepares a plan for the use or distribution of funds awarded in satisfaction of a judgment of the Indian Claims Commission of the United States Court of Federal Claims in favor of an Indian tribe. The Bureau submits the plan to Congress. Where two or more tribal governments are beneficiaries, the Secretary of the Interior must submit proposed legislation to Congress dividing the judgment funds. As part of the preparation for the plan or proposed legislation, the Tribal Claims staff serves as negotiators in gaining the consent of the tribal governments concerning the division of the funds. As part of the development of a use and distribution plan, Tribal Claims staff holds hearings of record prior to the preparation of a final plan.

Other administrative duties associated with carrying out the distribution of funds derived from a tribal claim are the preparation of a roll or list inclusive of those individuals determined to be heneficiaries.

Tribal Government Services Information, Resources and Forms

Liquor Control Ordinance Check List Liquor Ordinances – Alphabetically Liquor Ordinances – By Publication Date October 14, 2014 Dear Tribal Leader Letter regarding Notification of Tribal Consultation on 25 CFR Parts 81 and 82 (Secretaria) Election Procedures) (.pdf) October 9, 2014 Proposed Rules on 25 CFR Parts 81 and 82 (Secretarial Election Procedures) (.pdf) Example of a Federal Charter (.pdf) - 84 KB Form BIA 4432 - Verification of Indian Preference for Employment in the BIA and JHS - Form & Instructions (.pdf) - 4.15 MB Sample Constitution (.pdf) - 81 KB Tribal Leaders Directory

Choose A Category

-- Click To Change Category -- 🔻



Regions

Click the map to view out regions and their office contact information and the tribes served by that region

Minling Address Office of Indian Services Division of Unbal Gevenment Bureau of Indian Affansi 1849 C Street, N.W MS-4513-MIB Washington, D.C. 20240

Telephone (202) 513-2641 Telefax: (202) 208-5113

- Tribal Directory
- Indian Services Home
- Division of Human Services
- · Division of Self-Determination
- Division of Transportation
- Division of Uribal Government Services

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SAMPLE CONSTITUTION OF THE EXAMPLE TRIBE

INTRODUCTION: Typically a Tribal government in developing its constitution will provide for (1) a definition of it's Territory and Jurisdiction, (2) Membership, (3) Organization of the government, (4) Tribal Council functions, (5) Powers of the Tribal Council, (6) Judicial System, (7) Tribal Administration, (8) Elections, (9) Removal, Recall and Vacancy of Tribal Officials, (10) Administration of Land provisions, (11) Initiatives and Referendums, and (12) Adoption of Ordinances and Resolutions.

These are generally the more important constitutional provisions. There are others which are contained in the **SAMPLE CONSTITUTION** that are further explained below. Keep in mind these provisions are intended to be **SAMPLES** and are not provisions required by the BIA.

In the development of a Tribal constitution a Tribe may promulgate provisions that are tailored to meet their specific needs/requirements so long as they are not in violation of Federal law. The BIA Agency and Regional Offices will provide technical assistance to Tribal governments in the development of constitutional provisions.

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SAMPLE CONSTITUTION OF THE EXAMPLE TRIBE

PREAMBLE

We the people of the EXAMPLE Tribe, a federally recognized sovereign Indian Tribe, do hereby adopt this constitution in order to:

Promote the common good and well-being of the Tribe;

Protect and preserve our culture and traditions including our language, arts and crafts, and archeological sites;

Protect our land, water and natural resources;

Promote and protect the health and welfare of our people;

Encourage and promote educational opportunities for members of the Tribe;

Foster economic development;

Protect the individual rights of our members;

Acquire additional lands for the benefit of the Tribe;

Promote self-government and ensure the political integrity of the Tribe;

Preserve, secure and exercise all the inherent sovereign rights and powers of an Indian tribe.

ARTICLE I - TERRITORY AND JURISDICTION

Section 1. <u>Territory</u>. The territory of the EXAMPLE Tribe shall include, to the fullest extent possible consistent with federal law, all lands, water, property, airspace, surface rights, subsurface rights and other natural resources in which the Tribe now or in the future has any interest, which are owned now or in the future by the United States for the exclusive or non-exclusive benefit of the Tribe or for individual tribal members, or which are located within the boundaries of a reservation which may be established for the Tribe, notwithstanding the issuance of any right-of-way.

Section 2. Jurisdiction. Except as prohibited by federal law, the EXAMPLE Tribe shall have jurisdiction over all tribal members and over all persons, subjects, property and all activities occurring within its territory as defined by this Article. Nothing in this Article shall be construed to limit the ability of the Tribe to exercise its jurisdiction, based upon its inherent sovereignty as an Indian tribe.

ARTICLE II - MEMBERSHIP

Section 1. <u>Requirements</u>. The membership of the EXAMPLE Tribe shall consist of: (a) All persons whose names appear on the official federal acknowledgment roll prepared in [date], and its supplements dated [date].

(b) All persons who meet all of the following requirements:

(1) born to a tribal member after [date];

(2) at least one-fourth (1/4) degree Indian blood [or blood degree determine by the tribe] from a federally recognized tribe or tribes; and

(3) applies for membership in the Tribe, in accordance with the applicable enrollment ordinance.

Section 2. <u>Adoption into Membership</u>. The Tribal Council shall have sole and exclusive discretionary authority to adopt other persons as members of the Tribe, <u>Provided</u>, That at least six (6) members of the Tribal Council vote in favor of the adoption and, <u>Provided</u>, That all persons adopted into membership under this section shall meet at a minimum all of the following requirements:

(a) at least one-eighth (1/8) degree Indian blood from a federally recognized tribe or tribes;

(b) resident of the territory of the Tribe for at least three (3) continuous years;

(c) is not a member of another tribe; and

(d) applies for membership in the Tribe, in accordance with the applicable enrollment ordinance.

Section 3. <u>Rights of Members</u>. All persons accepted as members under Section 1, above, or adopted into membership under Section 2, above, shall have the same rights as tribal members in accordance with this constitution, <u>Provided</u>, That the Tribal Council may give preference to residents of the territory of the Tribe for available land, housing, benefits and services.

Section 4. Loss of Membership.

(a) All relinquishments of membership in the Tribe shall be done in writing in accordance with the procedures established by an enrollment ordinance. The Tribal Council shall remove from the tribe's membership roll the name of any person who voluntarily relinquishes his or her membership in the Tribe in accordance with such procedures.

(b) Any member of the Tribe who is or becomes a member of any other federally recognized

Indian tribe, band or group shall be disenrolled by the Tribal Council in accordance with the procedures established by an enrollment ordinance.

Section 5. <u>Reinstatement</u>. Any person who relinquishes his or her membership in the Tribe, pursuant to Section 4(a), above, or who has been disenrolled from the Tribe pursuant to Section 4(b), above, shall be reinstated as a member of the Tribe by the Tribal Council if the person meets all of the following requirements:

(a) at least five (5) years have passed since the date of their relinquishment or disenrollment; (1) This five (5) year waiting period for reinstatement shall not apply to persons who were under the age of eighteen (18) at the time of their relinquishment or disenrollment.

(2) This five (5) year waiting period for reinstatement shall not apply to any person whose relinquishment or disenrollment occurred prior to the adoption of this constitution.
(b) provides adequate proof to the Tribal Council that he or she has given up his or her membership in any other federally recognized Indian Tribe, band or group; and
(c) applies for reinstatement as a member of the Tribe, in accordance with the applicable enrollment ordinance.

Section 6. <u>Appeal</u>. Any person whose application for enrollment or reinstatement is rejected or who has been disenrolled from the Tribe, shall have the right to appeal to the Tribal Court in accordance with the applicable enrollment ordinance, <u>Provided</u>, That the Tribal Court shall not have jurisdiction over adoptions of persons as tribal members under Section 2, above, unless there is a claim that the provisions of the constitution have been violated.

Section 7. <u>Membership Roll</u>. The Tribal Council shall maintain a membership roll of all current and former tribal members.

Section 8. <u>Enrollment Ordinance</u>. The Tribal Council shall enact an enrollment ordinance consistent with this constitution.

ARTICLE III - ORGANIZATION OF THE GOVERNMENT

The government of the EXAMPLE Tribe shall include a Tribal Council, a Tribal Court System and a Tribal Administration. The Tribal Council shall operate in accordance with Articles IV and V. The Tribal Court System shall operate in accordance with Article VI. The Tribal Administration shall be subordinate to the Tribal Council and shall operate in accordance with Article VII.

ARTICLE IV - THE TRIBAL COUNCIL

Section 1. <u>The Tribal Council</u>. The governing body of the EXAMPLE Tribe shall be known as the EXAMPLE Tribal Council which shall consist of seven (7) members as listed in this Article. All Tribal Council Members shall be enrolled members of the Tribe who are selected by the eligible voters of the Tribe in accordance with this constitution and the election ordinance.

Section 2. <u>President and Vice President</u>. The Tribal Council shall include the positions of President and Vice President who must reside within the territory of the Tribe or within one hundred fifty (150) miles of the territory of the Tribe, and who must be at least twenty-five (25) years of age.

Section 3. Area Council Members. The Tribal Council shall also include four (4) Area Council

Members: two (2) persons who reside in the northern area and two (2) persons who reside in the southern area. Regardless of any other law, treaty or agreement which may define the Tribe's territory, for the purpose of electing Area Council Members the Tribal Council shall, in its sole authority, define the northern and southern area boundaries by ordinance. The Tribal Council may include in the defined areas any land that is within the territory of the Tribe or within one hundred fifty (150) miles of the territory of the Tribal Council pursuant to this Section, the Area Council Members are to be elected by all eligible voters as defined by Article VIII, Section 7. The Area Council Members must be at least twenty-one (21) years of age.

Section 4. <u>At-large Council Member</u>. The Tribal Council shall also include one (1) At-large Council Member who must reside within the territory of the Tribe or within one hundred fifty (150) miles of the territory of the Tribe, and who must be at least twenty-one (21) years of age.

Section 5. <u>Terms of Office</u>. The terms of office for all Tribal Council Members including the President and Vice President shall be four (4) years except as provided for in Article VIII, Section 3. There shall be no limitations on serving consecutive terms on the Tribal Council. All Tribal Council Members must continue to meet the residency requirements set forth above for their respective Tribal Council seats during their term of office.

Section 6. <u>Duties of the Officers</u>. The duties of the President and Vice President shall be established by ordinance enacted by the Tribal Council.

Section 7. Meetings of the Tribal Council.

(a) The Tribal Council shall hold a regular meeting once a month.

(b) The President or any three other members of the Tribal Council may call special meetings of the Tribal Council. Adequate notice of all special meetings shall be given to all members of the Tribal Council.

(c) At each regular or special meeting of the Tribal Council a person shall be appointed to take minutes of the meeting, and a copy of the minutes shall be preserved by the Tribal Administration.

Section 8. <u>Quorum</u>. Four (4) or more members of the Tribal Council shall constitute a quorum for any regular or special Tribal Council meeting. A quorum is required at all meetings in order to conduct official business of the Tribal Council. Proxy voting shall be prohibited.

Section 9. <u>Voting</u>. The Tribal Council shall make decisions by a majority vote of those present except as otherwise provided in this constitution or in an ordinance which requires more than a majority vote. All Tribal Council Members, including the President and Vice President, shall have the power to vote.

Section 10. <u>Code of Ethics</u>. The Tribal Council shall have the power to adopt a Code of Ethics governing the conduct of tribal officials. The Code of Ethics may include disciplinary procedures so long as the official in question is informed of the charges and given an opportunity to respond to those charges including the opportunity to present witnesses and other evidence in his or her defense.

ARTICLE V - POWERS OF THE TRIBAL COUNCIL

The Tribal Council shall have all powers vested in the Tribe through its inherent sovereignty or federal law. It shall execute these powers in accordance with established customs of the Tribe and subject to the express limitations contained in this constitution or other applicable laws. These powers include but are not limited to the following:

(a) To represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution;

(b) To negotiate and enter into contracts with the federal, state, local and tribal governments, and with individuals, associations, corporations, enterprises or organizations;

(c) To purchase or accept any land or property for the Tribe;

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(d) To enact laws regulating the use, disposition and inheritance of all property within the territory of the Tribe;

(e) To prevent or veto the sale, disposition, lease or encumbrance of tribal lands, interests in land, tribal funds or other tribal assets;

(f) To employ legal counsel in accordance with applicable federal laws;

(g) To enact laws regulating the domestic relations of persons within the jurisdiction of the Tribe; (h) To enact a law and order code governing the conduct of persons within the jurisdiction of the Tribe in accordance with applicable laws;

(i) To provide for the removal or exclusion of any non-member of the Tribe whose presence may be injurious to members of the Tribe, and to prescribe conditions upon which non-members may remain within the territory of the Tribe;

(j) To levy and collect taxes, duties, fees and assessments;

(k) To appropriate and regulate the use of tribal funds in accordance with an annual budget approved by the Tribal Council;

(1) To regulate all business activities within the jurisdiction of the Tribe, and to manage all tribal economic affairs and enterprises;

(m) To regulate all matters and to take all actions necessary to preserve and safeguard the health, safety, welfare and political integrity of the Tribe;

(n) To appoint subordinate committees, commissions, boards, tribal officers and employees, and to set their compensation, tenure and duties;

(o) To enact laws, ordinances and resolutions necessary or incidental to the exercise of its legislative powers;

(p) To take any and all actions necessary and proper for the exercise of the foregoing powers and duties, including those powers and duties not enumerated above, and for all other powers and duties now or hereafter delegated to the Tribal Council, or vested in the Tribe by federal law or through its inherent sovereignty.

ARTICLE VI - THE TRIBAL COURT SYSTEM

Section 1. <u>Establishment</u>. The judicial power of the EXAMPLE Tribe shall be vested in the Tribal Court System. The Tribal Court System shall include a Tribal Court and such other lower courts of special jurisdiction, including forums for traditional dispute resolution, as the Tribal Council may establish by ordinance. There shall also be a Court of Appeals which shall be the court of last resort for all cases filed within the Tribal Court System.

Section 2. <u>Jurisdiction</u>. The judicial power of the courts shall extend to all cases and controversies within the jurisdiction of the Tribe, in law or equity, arising under this constitution, the laws or customs of the Tribe, or which are vested in the tribal courts by federal law or by virtue of the

Tribe's inherent sovereignty. Any case or controversy arising within the jurisdiction of the Tribe shall be filed in the Tribal Court or other appropriate forum established by the Tribal Council before it is filed in any other court.

Section 3. <u>Appointment of Judges</u>. The Tribal Council shall appoint judges to serve for a term of four (4) years. There shall be one judge for the Tribal Court and either one or three judges for the Court of Appeals. No judge shall preside over a matter in the Court of Appeals if he or she presided over the same matter in the Tribal Court.

Section 4. <u>Qualifications of Judges</u>. The qualifications for judges shall be established by ordinance, <u>Provided</u>, That no additional requirements may be added during the tenure of a judge already in office, unless the additions or changes exempt the present judges during their term.

Section 5. <u>Compensation</u>. Judges shall receive for their services reasonable compensation that shall not be diminished during their term of office.

Section 6. Removal of Judges.

(a) A judge shall be removed by the Tribal Council for:

(1) Final conviction of a felony by any tribal, federal or state court while serving as judge.

(A) The Tribal Council may suspend a judge charged with a felony pending the outcome of the trial and any appeals, and an interim judge may be appointed for the period of the suspension.

(b) A judge may be disciplined or removed by the Tribal Council, by a vote of at least five (5) members of the Tribal Council, for:

(1) Converting tribal property or monies for personal use;

(2) Final conviction of three misdemeanors by any tribal, federal or state court while serving as judge;

(3) Unnecessary and repeated delays in hearing matters filed in the Courts; or

(4) Violation of the Judicial Code of Ethics.

(c) A judge shall be given full and fair opportunity to reply to any and all charges for which he or she may be disciplined or removed. A judge who is disciplined or removed may appeal directly to the Court of Appeals.

Section 7. <u>Court Rules</u>. The duties and procedures of the Tribal Court System, and all other court matters not addressed in this article of the constitution, shall be established by the Tribal Council by ordinance. The ordinance may also include a Judicial Code of Ethics governing the conduct of tribal judges.

ARTICLE VII - THE TRIBAL ADMINISTRATION

The Tribal Administration shall consist of the President and Vice President of the Tribal Council,

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and other persons as deemed necessary by the Tribal Council. The Tribal Administration shall oversee the administration of the tribe's business and shall supervise the day to day operations of the Tribe. The Tribal Administration shall be subordinate to the Tribal Council.

ARTICLE VIII - ELECTIONS

Section 1. <u>General Elections</u>. General elections to vote for Tribal Council Members shall be held in odd numbered years on the first Saturday of May beginning in 1997. Election of Tribal Council Members shall be staggered so that no more than four Council seats shall be up for election at any one time.

Section 2. <u>Special Elections</u>. Special elections shall be held when called for by the Tribal Council, by this constitution, or by the voters, as provided for in this constitution or appropriate ordinances.

Section 3. The First Election. The first election of Tribal Council Members under this constitution shall be held on the first Saturday of May 1997. The incumbent President and Vice President of the Tribal Council as of the date of the adoption of this constitution shall remain in office until the general election to be held in May 1999. The incumbent Tribal Council shall select an incumbent Area Council Member from the northern area and an incumbent Area Council Member from the southern area who shall both remain in office until the general election to be held in May 1999. The remaining three (3) seats on the Tribal Council shall be declared vacant for purposes of the first election. These three (3) vacant seats shall include one (1) seat from the northern area, one (1) seat from the southern area, and one (1) seat at-large. The candidates receiving the highest number of votes for each vacant council seat in the first election in 1997 shall be declared the winners and shall serve four year terms until the general election to be held in May 2001. The first election shall be held in accordance with all other applicable provisions of this constitution and applicable ordinances.

Section 4. <u>Election Board</u>. The Tribal Council shall appoint an Election Board to conduct all elections including all special elections. The Election Board shall consist of one (1) tribal member from the northern area, one (1) tribal member from the southern area, one (1) tribal member age 55 or older, one (1) tribal member between the ages of 35 and 54, and one (1) tribal member between the ages of 18 and 34, <u>Provided</u>, That all members of the Election Board shall be at least 18 years of age, and <u>Provided</u>, further that an Election Board member shall not be eligible to run for a seat on the Tribal Council. All Election Board Members shall serve for a specific term of office as established by the election ordinance. The Election Board may appoint clerks, poll workers and others to assist the Election Board with conducting the election.

Section 5. <u>Nominations</u>. For all elections of Tribal Council Members the Election Board shall conduct a nomination meeting of eligible voters to nominate tribal members as candidates for Tribal Council seats. The Election Board may schedule the nomination meeting before the day scheduled for the election, or on the day of the election, <u>Provided</u>, That the Election Board shall mail to all eligible tribal voters advance notice of both the date of the nomination meeting and the date of the election at least thirty (30) days prior to the nomination meeting. At the nomination meeting, all eligible voters, as defined in Section 7 of this Article, may submit nominations for any vacant seat. A person may not be nominated as a candidate for more than one seat.

Section 6. <u>Qualifications for Tribal Council</u>. Persons nominated to run for Tribal Council seats must be enrolled tribal members who meet the age requirements set forth in Article IV on or before the date of the election, and they must meet the residency requirements set forth in Article IV for at least one year prior to the date of the election. No person may run for a Tribal Council seat who has served twelve (12) or more consecutive months in any federal, state or tribal jail or prison.

Section 7. <u>Eligible Voters</u>. All tribal members who are eighteen (18) years or older and who reside within the territory of the Tribe or within one hundred fifty (150) miles of the territory of the Tribe shall be eligible to vote.

Section 8. <u>Ballots</u>. All voting at regular and special elections shall be done by secret written ballot.

Section 9. Absentee Ballots. Absentee voting shall not be permitted.

Section 10. <u>Election Results</u>. The Election Board shall certify the results of an election within three (3) days after the election day. The candidate receiving the highest number of votes for each available seat shall be declared the winner.

Section 11. <u>Tie Votes</u>. Tie votes between two or more candidates shall be decided in a special runoff election. All eligible voters shall be entitled to vote in any runoff election. If a runoff election ends in another tie, the outcome shall be decided by the drawing of straws by the candidates tied for that office. The Election Board shall certify the results of any runoff election within three (3) days after the runoff election day.

Section 12. <u>Challenges</u>. Any tribal member may challenge the results of any election by presenting his or her challenge to the Tribal Court within five (5) days after the election results are certified. The Tribal Court shall decide all election challenges within ten (10) days from the date the challenge is filed. Any appeals shall be filed with the Court of Appeals within five (5) days of the issuance of the Tribal Court decision, and the Court of Appeals shall decide the appeal within ten (10) days. If the Tribal Court or Court of Appeals invalidates the election results, a new election shall be held within sixty (60) days.

Section 13. <u>Oath of Office</u>. The oath of office for each newly elected Tribal Council Member shall be administered by the Election Board within thirty (30) days after the Election Board declares the winner of a seat, unless a challenge is filed and in that case within thirty (30) days after a final decision by the Tribal Court or Court of Appeals. If a challenge is filed but it does not relate to all of the elected seats, the oath of office shall be administered to the newly elected Tribal Council Members whose seats have not been challenged within thirty (30) days after the Election Board declares the winners. Each incumbent Tribal Council Member shall remain in office until the oath of office is administered to the newly elected Tribal Council Member for his or her seat. Upon expiration of the incumbent's term of office, he or she shall transfer all tribal records within his or her control to the newly elected Tribal Council Member.

Section 14. <u>Election Ordinance</u>. The Tribal Council shall enact an election ordinance consistent with this constitution which covers all necessary procedures for all elections.

ARTICLE IX - REMOVAL, RECALL AND VACANCY

Section 1. Removal.

(a) The Tribal Council shall remove a Council Member for:

(1) Final conviction of a felony by any tribal, federal or state court while serving on the Tribal Council.

(A) The Tribal Council may suspend a Council Member charged with a felony pending the outcome of the trial and any appeals.

(b) The Tribal Council may discipline or remove a Council Member, by a vote of at least five (5) members of the Tribal Council, for:

(1) Converting tribal property or monies for personal use;

(2) Failing to attend four (4) regular or special meetings consecutively without good cause;

(3) Final conviction of three misdemeanors by any tribal, federal or state court while serving on the Tribal Council; or

(4) Violation of the Code of Ethics.

(c) In all proceedings under Section 1(a) or 1(b) above, the Tribal Council Member in question shall be afforded full due process rights including a written statement of the charges, the right to respond to those charges and the right to present witnesses and other evidence in his or her defense. The decision of the Tribal Council shall be final and shall be appealable to the Tribal Court only if a claim is made that the tribal constitution has been violated or due process rights not afforded. A Council Member removed from office must wait at least five (5) years from the official date of removal to run for office again.

Section 2. Recall.

(a) Any adult tribal member may initiate recall proceedings against any Tribal Council Member by filing a written request with the Election Board, <u>Provided</u>, That a recall proceeding may not be initiated against any Tribal Council Member whose term expires within six (6) months.
(b) After receipt of the written request, the Election Board shall issue official petition forms to the tribal member who initiated the recall. The tribal member shall have sixty (60) days to collect the signatures from thirty percent (30%) of the eligible voters of the Tribe.
(c) Individual petitions shall be circulated for each Tribal Council Member who is subject to recall. A maximum of three (3) Tribal Council Members may be recalled at a time.

(d) The Election Board shall verify the signatures on a recall petition within ten (10) days of receipt of the petition. If the tribal member seeking recall has collected the required number of signatures in the allotted time then the Election Board shall hold a recall meeting within sixty (60) days of the receipt of the petition. Notice of the recall meeting shall be mailed to eligible tribal voters at least thirty (30) days prior to the recall meeting. The person initiating the recall and the person subject to recall shall be given a reasonable opportunity to speak and present evidence at

the recall meeting.

(e) A majority vote by secret written ballot of the eligible voters attending the recall meeting shall determine the success or failure of the recall petition(s), <u>Provided</u>, That at least thirty (30%) of the eligible voters actually vote at the recall meeting.

(f) The recall meeting shall be held in accordance with the provisions of an election ordinance which shall include a section on recall procedures.

Section 3. Vacancies.

(a) If a Tribal Council Member should die, resign, or be removed or recalled from office, the Tribal Council shall declare the position vacant. The Tribal Council shall fill a vacancy by special election unless less than six (6) months remain in the term, in which case the Tribal Council shall leave the position vacant. The person who fills a vacant position shall only serve out the term of the person whom he or she is replacing.

(b) All resignations from the Tribal Council shall be done in writing.

ARTICLE X - LAND

The Tribal Council shall have the authority to establish land policies, adopt a land use ordinance and to otherwise regulate land within the territory of the Tribe in accordance with applicable law.

ARTICLE XI - INITIATIVE AND REFERENDUM

Section 1. <u>Initiative</u>. The Tribal Council shall submit any proposed ordinance or resolution, except those regarding land, housing or the adoption of tribal members under Article II, Section 2, to popular initiative upon petition of at least thirty percent (30%) of the eligible voters of the Tribe, or upon the request of the majority of the members of the Tribal Council. The initiative election shall be held within sixty (60) days after receipt of the qualifying number of petition signatures or the Tribal Council request. The vote of the majority of the eligible voters in such initiative shall decide whether the proposed ordinance or resolution shall thereafter be in effect, <u>Provided</u>, That at least thirty percent (30%) of the eligible voters shall vote in such initiative.

Section 2. <u>Referendum</u>. The Tribal Council shall submit any enacted ordinance, resolution or other official action of the Tribal Council, except those regarding land, housing or the adoption of tribal members under Article II, Section 2, to popular referendum upon petition of at least thirty percent (30%) of the eligible voters of the Tribe or upon the request of the majority of the members of the Tribal Council. The referendum election shall be held within sixty (60) days after the receipt of the qualifying number of petition signatures or the Tribal Council request. The vote of the majority of the eligible voters in such referendum shall decide whether the enacted ordinance, resolution or other official action shall thereafter be in effect, <u>Provided</u>, That at least thirty percent (30%) of the eligible voters shall vote in such referendum.

Section 3. <u>Procedures</u>. Initiative and referendum elections shall be conducted by the Election Board and shall be held in accordance with the provisions of an election ordinance which shall include a section on initiative and referendum procedures.

ARTICLE XII - ORDINANCES AND RESOLUTIONS

Section 1. Resolutions. All final decisions on matters of temporary interest where a formal

expression is needed shall be embodied in a resolution, noted in the minutes, and shall be available for inspection by members of the Tribe during normal business hours. Section 2. <u>Ordinances</u>. All final decisions on matters of permanent interest shall be embodied in ordinances. Such enactments shall be available for inspection by members of the Tribe during normal business hours.

ARTICLE XIII - SOVEREIGN IMMUNITY

The EXAMPLE Tribe shall be immune from suit except to the extent that the Tribal Council expressly waives the Tribe's sovereign immunity, or as provided by this constitution.

ARTICLE XIV - BILL OF RIGHTS

The EXAMPLE Tribe, in exercising its powers of self-government shall not:

(a) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for redress of grievances;

(b) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and person or thing to be seized;

(c) subject any person for the same offense to be twice put in jeopardy;

(d) compel any person in any criminal case to be a witness against himself;

(e) take any private property for a public use without just compensation;

(f) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense and to have these rights explained at the time of arrest;

(g) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;

(h) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(i) pass any bill of attainder or ex post facto law; or

(j) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

ARTICLE XV - GENERAL MEETINGS

The Tribal Council shall call at least one (1) general meeting per year of all the eligible voters of the Tribe to identify and discuss important tribal matters.

ARTICLE XVI - AMENDMENTS

This constitution may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, <u>Provided</u>, That at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until approved by the Secretary of the Interior or until deemed approved by the Secretary by operation of law. It shall be the duty of the Secretary of the Interior to call and hold an election on any proposed amendment at the request of the Tribal Council, or upon presentation of a petition signed by at least thirty percent (30%) of the qualified voters of the Tribe.

ARTICLE XVII - SAVINGS CLAUSE

All enactments of the Tribe adopted before the effective date of this constitution shall continue in full force and effect to the extent that they are consistent with this constitution.

ARTICLE XVIII - ADOPTION OF CONSTITUTION

This constitution, when adopted by a majority vote of the registered voters of the EXAMPLE Tribe, voting at a special election authorized by the Secretary of the Interior in which at least thirty percent (30%) of those registered in accordance with Secretarial regulations to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and, if approved by the Secretary of the Interior or by operation of law, shall be effective from the date of such approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs on ________, the Constitution of the EXAMPLE Tribe was submitted to the qualified voters of the EXAMPLE Tribe and on _______, was adopted/rejected by a vote of ______ for, and ______ against, and ______, was ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the ______ entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chairman, Election Board

Election Board Member

Election Board Member

Election Board Member

Date:

CERTIFICATE OF APPROVAL

I, ______, Deputy Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me do hereby approve the Constitution of the EXAMPLE Tribe. This Constitution is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

> Deputy Commissioner of Indian Affairs Washington, D.C.

> > 4

Date:



Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Kemper final Response Fedex info

9 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Jennifer Heindl <jennifer.heindl@sol.doi.gov> Fri, Apr 1, 2016 at 2:48 PM

Jenifer: Do you know if Mr. Kemper provided a new telephone number for his new address? Or is it the same as previous?

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Fri, Apr 1, 2016 at 2:54 PM

Hi Wakinyan,

I was only provided with a new delivery address, not a new phone number. Thanks, Jennifer

Jennifer A. Heindl

Attomey Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

Heindl; Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Mon, Apr 4, 2016 at 10:05 AM

Hi Wakinyan,

AUSA was just checking to see if this went out on Friday. Can you send me the Fed Ex receipt so I can send to him. Thanks very much, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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On 1 April 2016 at 14:48, Howaste, Wakinyan <wakinyan.howaste@bia.gov> wrote: [Quoted text hidden]

 Howaste, Wakinyan <wakinyan.howaste@bia.gov>
 Mon, Apr 4, 2016 at 10:11 AM

 To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>
 Cc: Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Mr. Wakin'yan Howa`ste"

 <Wakinyan.howaste@bia.gov>

Hello Jennifer: Yes the Fed-Ex package went out on Friday 4/1/16/3:330 PM

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

3 attachments

- Fed Ex US AIRBIL_FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI_4.01.16.whw.pdf 5344K
- FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI_Final 4.1.16_whw1.pdf 792K
- Discs 1 though 4 Kemper.docx

<u>س</u> 155K

Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Mon, Apr 4, 2016 at 10:16 AM

Great, Thanks, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Daniel Largo <daniel.largo@bia.gov> Tue, Apr 26, 2016 at 9:44 AM

Good morning Mr. Largo:

Yes the Final package went out on 4/1/6. The Fed-Ex Tracking indicates the package was delivered to Mr. Kemper's residence on 4/5/16.

U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

4.5.16 FEDEX pkg BIA 2015 00421_KEMPER_K04082016_0000.pdf 2729K

Largo, Daniel <daniel.largo@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Thank you. Can you provide a copy of the signed final letter?

Thanks again,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Largo, Danie!" <daniel.largo@bia.gov> Tue, Apr 26, 2016 at 9:46 AM

Tue, Apr 26, 2016 at 9:50 AM

U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

3 attachments

- FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI_Final 4.1.16_whw1 (2).pdf 792K
- Fed Ex US AIRBIL_FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI_4.01.16.whw (1).pdf 5344K
- Discs 1 though 4 Kemper (1).docx

Largo, Daniei <daniel.largo@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Tue, Apr 26, 2016 at 9:52 AM

Thank you, Sir.

Respectfully,

Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS Washington, DC 20240 APR - 1 2016

Kevin Kemper 621 W. Acres, No. 2 Norman, Oklahoma 73069

REF: BIA-2015-00421

Dear Mr. Kemper:

Through this letter the Bureau of Indian Affairs (BIA) is providing records responsive to your December 1, 2014 Freedom of Information (FOIA) request. The FOIA request is the subject of litigation before the United States District Court for the District of Columbia: Kevin R. Kemper v. U.S. Department of the Interior, No. 1:15-ev-00771 (filed May 26, 2015). Your letter has been referred to our office for response.

Through the FOIA, you sought the following records:

Copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States.

Please find enclosed four (4) compact discs containing 1774 pages of responsive records, which are being released to you in full. These documents represent BIA's final response to your FOIA request.

If you have any questions or concerns, please contact Wakinyan HoWaste, FOIA Coordinator, Office of Indian Services, at (202) 513-7640 or via email: wakinyan.howaste@bia.gov.

Sincerely.

Frith X

Hankie P. Ortiz Deputy Bureau Director Office of Indian Services

Enclosure

cc: FOIA Officer, Central Office, Washington, D.C.

Disc one (1) A - C

- Andreafski, Yupiit of 1992-01-06 Co... Akiak Native Community 1949-05-1... Algaacig Native Village (St. Mary's)_ ... Brevig Mission, Native Village of 196... Chignik Bay Tribal2002-09-06 Chigni... Chinik Eskimo Community (Golovin... Cantwell, Native Village of 1968-01-... Chevak Native Village 1978-10-23 C...
- Angoon Community Association 19... 🞵 Atmautluak, Village of 1980-01-28 C... 🗊 Atgasuk Village (Atkasook) 1995-04-... TAkutan 1939 original constitution Allakaket Village_1996-05-07 Constit... Buckland, Native Village of 1950-12-... Thignik Lagoon-1963-01-25 Constit... Thitina 1997-02 revised Constitution DChalkyitsik Village_2013-05-15 draft ... Thickaloon Native Village 1985-01-2...
- TL Arctic Village (See Native 1966-12-2... 🔁 Agdaagux Tribe of King Cove 1990-1... 🕵 Alakanuk, Village of 2002-10-01 onst... Ambler, Native Village of 1939-05-2... Barrow Inupiat Traditional Gov, Nati... Chignik Lake Constitution (IRA cons... Clark's Point, Village of 2001-03-03 ... The Cheesh-Na Tribe (Native Village of C... The Chefornak, Village of constitution-U...
 - 🔁 Asa carsarmiut Tribe 2013-04-16 Vali... The Akhiok Native Village of 1978-5-15 ... 坑 Alatna Village 1978-04-27 Alatan Co... Anaktuvuk Pass, Village of 1994-08-... Di Beaver Village 1995-04-20 Constituti... Thilkat Indian Village-1941-03-27 Co... T Council, Native Village of - Constituti...
- 🔁 Atka, Native Village of 1939-05-23 (📆 Akiachak Native Community 1948C CAleknagik, Native Village of 1985-0 Birch Creek Tribe 1999-11-16 Birch Bill Moore's Slough, Village of 1988 Thilkoot Indian Association (Haines Craig Community Association 1938 Therega (Chanega), Native Village

Disc two (2) D - K

Dot Lake, Village of 1970-03-24 Con... To Fort Yukon, Native Village of 1940-0... 📆 Gulkana Village_2001-03-31 Constitu... "Huslia IRA Constitution-undated un... "Julgurmuit Constitution-Undated unsi.... Karluk _1939-08-23 Constitution Ketchikan Indian Corporation_1939-... Ta Knik Tribe_1992-02-08 Constitution Koyuk, Native Village of 1946-07-23 ...

Eek, Native Village of 2013-04-24 un... Gambell, Native Village of 1939-12-3... "Ja Hoonah Indian Association -1939-10... Hydaburg Cooperative Association_... "Javanof Bay Village_1982-03-12 Consti... Kasaan, Organized Village of 1938-1... Ti King Island Native Community 1939... Ti Kokhanok Village_2004-01-28 Consti... Kwethluk, Organized Village of 1940...

- Eklutna 1996-01-27 Constitution
- Goodnews Bay, Native Village of 197... Hooper Bay IRA undated Constitution
- "Jilliamna, Village of 1941-09-04 Const...
- 📆 Kake, Organized Village of 1947-11-...
- Kasigluk Traditional Elders Council_2...
- Kipnuk 2003-07-17 Constitution
- 🔁 Kotlik, Village of 2006-10-18 Constit...
- "Cilkwigillingok, Native Village of 1949-...

🔁 Emmonak Village_2000-10-12 Consti... "Grayling (Holikachuk) Organized Vill... Thughes Village_1997-10-07 Constitu... TInupiat Community of the Artic Slop... Takanatak -1941-03-01 Constitution 🔁 Kenaitze Indian Tribe_1940-01-27 Co... Kivalina, Native Village of 1940-02-0... Kotzebue, Native Village of 1939-05-... 🔁 Kwinhagak (Quinhagak), Native Villa...

Disc three (3) L - O

- Larsen Bay, Native Village of 2013-0... TMcGrath Native Village_1993-10-18 ... Mekoryuk, Native Village of 1940-08... Nanwalek (English Bay), Native Villa... Naknek Native Village_1974-02-10 C... TNew Koliganek 2001-02-01 Constitut... Newhalen Village_1991-06-03 Consti... DNoatak, Native Village of 1939-12-28... Nome Eskimo Community_1939-11-... TNunakauyarmiut Tribe_1998-11-03 C... Northway Village 2004-09-07 Consti... 🗊 Orutsararmiut Native Village-1997 Co... 🕤 Ouzinkie, Native Village of 1978-06-...
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 - 5 Marshall (Fortuna Ledge), Native Vill... 🔂 Mentasta Traditional Council_1978-0... 🔂 Minto, Native Village of_1939-12-30 ... Di Nondalton Village_1981-04-23 Const... Di Noorvik Native Community_1939-05...

Disc four (4) P - W

🔁 Pedro Bay Village_1984-12-18 Consti	🔁 Perryville, Native Village of 1950-09	Petersburg Indian Association_1948	Dilot Station Traditional Village-1978
Description Traditional Village_1994-11	Dint Hope, Native Village of-1940-0	Point Lay, Native Village of 1939-05	💯 Portage Creek Village (aka Ohgsenak
🔁 Qagan Tayagungin Constitution-199	🔁 Red Devil, Village of 1989-02-13 Con	🔁 Saint Michael, Native Village of_1948	🔁 Savoonga, Native Village of 1940-04
🔁 Saxman, Organized Village of 1941-0	🔁 Selawik, Native Village of_1940-03-1	🔁 Seldovia Village Tribe-1992-05-18 Co	🔁 Shageluk Native Village_1949-08-19
🔁 Shaktoolik, Native Village of_1940-01	🔁 Shishmaref, Native Village of 1939-0	🔁 Shungnak, Native Village of_1946-07	🔁 Sitka Tribe of Alaska_1938-07-13 Co
🔁 Skagway Village_2004-03-29 Constit	🔁 Sleetmute 2011-11-01 Constitution	🔁 St. Paul Island-1950-06-12 Constituti	Stebbins Community Association_19
🔁 Stevens, Native Village of 1939-12-3	🔁 Stony River, Village of 2003-05-02 C	🔁 Sun'aq Tribe of Kodiak -Shoonaq' Tr	🔁 Tlingit & Haida Tribes, Central Coun
🔁 Tuluksak Native Community_1949-0	Tuntutuliak, Native Village of 1980-0	🔁 Tununak, Native Village of 1939-05	🔁 Tyonek, Native Village of 1939-11-2
🔁 Ugashik Traditional Village_2004 -07	🔁 Umkumiut Native Village 2002Consti	Dinalakleet, Native Village of 1939-12	📜 Unga, Native Village of_1989-09-30
🔁 Upper Kalskag_2012-07-17 Constituti	🔁 Venetie Tribal Gov (Arctic _1940-01	🔁 Wainwright, Village of_1939-05-23 C	🔁 Wales, Native Village of 1939-07-29
🔁 White Mountain, Native Village of 1	Tanacross, Native Village of_1942-01	Tanana, Native Village of_1939-05-1	🔁 Tangimaq Native Village 2000-Const
Tatitlek, Native Village of 199-05-23	Tazima, Native Village of 1979-04 Co	Tetlin, Native Village of_1940-03-20	



Howaste, Wakinyan <wakinyan.howaste@bia.gov>

BIA 2015 00421_KEMPER_K - 4.5.16 FEDEX pkg delivered

1 message

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Fri, Apr 8, 2016 at 2:02 PM

To: Jennifer Heindl <jennifer.heindl@sol.doi.gov> Cc: Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Attached is the Fed Ex Tracking delivery confirmation for: FEDEX pkg 8592 9831 6820 - Delivered 4.5.16

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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Wed, Dec 3, 2014 at 8:02 AM

Fwd: URGENT: FOIA request

10 messages

FOIA, BIA <foia@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov>

Wakinyan:

Please review and let me know if this request would go to your office.

Thank you Heather Garcia 202-208-3508

------Forwarded message ------From: **Kevin Kemper** <kevinrkemper Date: Tue, Dec 2, 2014 at 10:31 AM Subject: RE: URGENT: FOIA request To: "foia@bia.gov" <foia@bia.gov>

Please use this version instead of the one sent yesterday.

Thank you.

Kevin R. Kemper

From: kevinrkemper To: foia@bia.gov Subject: URGENT: FOIA request Date: Mon, 1 Dec 2014 15:19:16 -0600

Please see the attached FOIA request and confirm receipt.

Sincerely,

Kevin R. Kemper Exemption 6

kevinrkemperExemption 6

Hemper 1 Dec 2014 BIA FOIA.pdf

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Wed, To: "FOIA, BIA" <foia@bia.gov> Cc: Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Mr. Wakin'yan Howa'ste[™] <Wakinyan.howaste@bia.gov>

Wed, Dec 3, 2014 at 8:43 AM

Good Morning Heather:

"Tripal Constitutions", when available from the Tribes are maintained by our Region and

or Agency Office's.

I would assign this to each Regional FOIA Coordinator and "cc" the following Tribal Operations personnel:

Alaska Region: Cody Halterman - Tribal Operations Specialist Eastern Region: Becky Smith - Tribal Relations Specialist Eastern Oklahoma Region: Barbara E. Bush - Tribal Enrollment Specialist Great Plains Region: Todd Gravelle - Tribal Government Midwest Region: Dave Christensen - Tribal Government Navajo Region: Cheryl.Curley@bia.gov - Tribal Government Pacific Region: Viola Brooks - Tribal Government Rocky Mountain Region: Jo-Ellen Cree - Tribal Government Southern Plains Region: Andrea Phillips - Tribal Government West Region: Sharlot Johnson -Tribal Government

Thank You Kindly.

Wakinyan HoWaste (Lakota-Sioux) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs Office of the Deputy Bureau Director - Indian Services I849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629

(Pronounced "Wa-key-yah Ho-washday")

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[Quoted text hidden]

FOIA, BIA <foia@bia.gov>

Tue, Dec 9, 2014 at 11:31 AM

To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Monique Hartgrove <monique.hartgrove@bia.gov>, Heather Garcia <heather.garcia@bia.gov>

Wakinyan:

Please gather the responsive documents from the contact list. and you will have to do a final response if any responsive documents that are on the contact list.

Thank you, Heather Garcia Hartgrove, Monique <monique.hartgrove@bia.gov>

Tue, Dec 9, 2014 at 11:59 AM

To: "FOIA, BIA" <foia@bia.gov>

Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Heather Garcia <heather.garcia@bia.gov>

A lot of the tribal constitutions are available in the public domain. On the internet and otherwise. Perhaps if you submit a communication to the requester to notify them of that and they can identify any specific records they want thereafter. If the information in those programs falls under Indian Services one unified communication might work good and the filtering out whatthey specifically state whatthey are looking fo might be content for a reply.

Much like you do when you communicate the link (via correspondence or reply to a FOIA) to How to Trace Your American Indian Ancestry.

If itwere me I would send them an e-mail and I would call them to display proactive customer service and let them pick it back up if they decide to do so by identifying records that are not in the public domain and also scrutinizing the request as it should be for requirements as the scope of what they submit b eing perfected and their amount that they state they are willing to pay.

I am backed up on a voluminous matter for general law and the Northwest Region - so I am locked at my desk. If you need any assistance on what is issued I might be available at the end of the week and Daniel will be back next week.

If all that they are asking for are tribal constitutions - for ones not in the public domain - available for requester to see - that they state - it may be reasonable to take whatthey state afterthey look online or whereeverin the public domain and those records be collected and the reply come from one office. It just dosn't sound like complex material where there is any exempt information.

Monique [Quoted text hidden]

Tue, Dec 9, 2014 at 12:26 PM

To: "Hartgrove, Monique" <monique.hartgrove@bia.gov> Cc: "FOIA, BIA" <foia@bia.gov>, Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Heather Garcia <heather.garcia@bia.gov>

We do not maintain the Tribal Constitutions here at the Central Office.

I can send a reply to the requester, but I will have to respond with a "no records response" and suggest the requester contact the Region offices directly.

Thank You Kindly.

Wakinyan WoWaste (Lakota-Sioux)
Acting Chief, Division of Tribal Government Services
U.S. Department of the Interior
Bureau of Indian Affairs
Office of the Deputy Bureau Director - Indian Services
1849 C St., NW MS-4513
Washington, D.C. 20240
(202) 513-7629
(Pronounced "Wa-key-yah Ho-washday")

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Acting for Laurel Iron Cloud, Chief, Division of Tribal Government Services - December 08, 2014, through December 12, 2014.

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[Quoted text hidden]

FOIA, BIA <foia@bia.gov>

Tue, Dec 16, 2014 at 4:32 PM

To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: "Hartgrove, Monique" <monique.hartgrove@bia.gov>, Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Heather Garcia <heather.garcia@bia.gov>

Wakinyan,

Have you already communicated to the requester that you will be sending a no records letter? The requester is asking for the status of their request.

Thank you, Daniel Largo Indian Affairs FOIA Officer 202-208-5097

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "FOIA, BIA" <foia@bia.gov> Tue, Dec 16, 2014 at 4:34 PM

Good afternoon Mr. Largo:

The draft is completed, we should have the reply signed by COB tomorrow (PM).

Thank You Kindly.

Wakinyan HoWaste (Lakota-Sioux) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs Office of the Deputy Bureau Director - Indian Services 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629 (Pronounced "Wa-key-yah Ho-washday") This e-mail (including attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you receive this e-mail in error, please notify the sender immediately and destroy all copies. Thank you.

[Quoted text hidden]

Wed, Dec 17, 2014 at 1:30 PM

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Wed, De To: Heather Garcia <heather.garcia@bia.gov> Cc: Daniel Largo <daniel.largo@bia.gov>, "Mr. Wakin'yan Howa`ste''' <Wakinyan.howaste@bia.gov>

Good afternoon Heather:

I am getting ready to finalize our draft reply. What is the FOIA number to this request?

Thank You Kindly.

Wakinyan HoWaste (Lakota-Sioux)
Program Analyst
U.S. Department of the Interior
Bureau of Indian Affairs
Office of the Deputy Bureau Director - Indian Services
1849 C St., NW MS-4513
Washington, D.C. 20240
(202) 513-7629
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[Quoted text hidden]

Garcia, Heather <heather.garcia@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Daniel Largo <daniel.largo@bia.gov> Wed, Dec 17, 2014 at 1:53 PM

Hi Wakinyan,

The Control Number is BIA-2015-00421.

[Quoted text hidden]

Thank you,

Heather Garcia Assistant Secretary - Indian Affairs Freedom of Information Act Office (IA- FOIA) 1849 C Street NW MS-3070-MIB Washington, DC 20240 Phone# (202)208-3508 heather.garcia@bia.gov POSITIVE PEOPLE POWERFUL RESULTS

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov> Mon, Feb 8, 2016 at 5:02 PM

Good afternoon Spike:

This is the original Kemper FOIA Request revealing my attempts to have it assigned to the Region Tribal Governments Offices

Attached: Original incoming The "No Records' response. The "Civil Action" against DOI for

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

-----Forwarded message ------From: **Garcia**, **Heather** <heather.garcia@bia.gov> Date: Wed, Dec 17, 2014 at 1:53 PM Subject: Re: URGENT: FOIA request [Quoted text hidden]

3 attachments

- B INCOMING 12.2.14 FOIA BIA-2015-00421_KEMPER_Kevin R.pdf
- FOIA BIA-2015-00421_KEMPER_Kevin R_Signed 12.23.14.pdf 1117K
- KEMPER FOIA BIA 2015_00421_Civil Action No. 115-cv-00771 (APM).pdf 3512K



What is the Due Date for FOIA BIA-2015-00421 KEMPER?

5 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Heather Garcia <heather.garcia@bia.gov>

Good afternoon Heather:

What is the Due Date for FOIA BIA-2015-00421 KEMPER?

We have to run this past SOL.

Thank You Kindly.

Wakinyan HoWaste (Lakota-Sioux) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs Office of the Deputy Bureau Director - Indian Services 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629 (Pronounced "Wa-key-yah Ho-washday")

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Garcia, Heather <heather.garcia@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

January 05,2014 [Quoted text hidden]

Thank you,

Heather Garcia Assistant Secretary - Indian Affairs Freedom of Information Act Office (IA- FOIA) 1849 C Street NW MS-3070-MIB Washington, DC 20240 Fri, Dec 19, 2014 at 3:42 PM

Fri, Dec 19, 2014 at 2:50 PM

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Garcia, Heather" <heather.garcia@bia.gov> Cc: "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov> Mon, Dec 22, 2014 at 9:28 AM

Good morning Heather: Thank you for the Due date info.

Would it be possible for you to send me the FOIA surname/route sheet also?

Thank You Kindly.

Wakinyan HoWaste (Lakota-Sioux) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs Office of the Deputy Bureau Director - Indian Services 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629 (Pronounced "Wa-key-yah Ho-washday")

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Daniel Largo <daniel.largo@bia.gov> Mon, Dec 22, 2014 at 3:29 PM

Good afternoon Mr. Largo:

Thank you for the Due date info.

Would it be possible for you to send me the FOIA surname/route sheet also?

Thank You Kindly.

Wakinyan HoWaste (Lakota-Sioux)

Program Analyst U.S. Department of the Interior Bureau of Indian Affairs Office of the Deputy Bureau Director - Indian Services 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629 (Pronounced "Wa-key-yah Ho-washday")

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[Quoted text hidden]

Largo, Daniel <daniel.largo@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Here you go.

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW Mailstop 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

BIA-2015-00421 Kemper, Kevin.docx 47K Mon, Dec 22, 2014 at 3:34 PM



For Closing: FOIA BIA-2015-00421_KEMPER_Kevin R_Signed 12.23.14

2 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Tue, Dec 23, 2014 at 3:48 PM To: BIA FOIA <foia@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Heather Garcia <heather_garcia@ios.doi.gov>, "Mr. Wakin'yan Howa`ste"' <Wakinyan.howaste@bia.gov>

Good afternoon FOIA: Please find attached:

FOIA BIA-2015-00421 KEMPER Kevin R Signed 12.23.14

Thank You Kindly.

Wakinyan HoWaste (Lakota-Sioux)
Program Analyst, FOIA Coordinator
U.S. Department of the Interior
Bureau of Indian Affairs
Office of the Deputy Bureau Director - Indian Services
1849 C St., NW MS-4513
Washington, D.C. 20240
(202) 513-7629
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FILE COPY of FOIA BIA-2015-00421_KEMPER_Kevin R_Signed 12.23.14.pdf 3081K

Cc: Daniel Largo <daniel.largo@bia.gov>, Heather Garcia <heather_garcia@ios.doi.gov>

FOIA, BIA <foia@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Tue, Dec 23, 2014 at 3:56 PM

Thank you Wakinyan, I have closed this request in EFTS.

Thanks again and Happy Holidays!

Daniel

[Quoted text hidden]



FOIA BIA-2015-00421_KEMPER_Kevin R

3 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Tue, Dec 23, 2014 at 4:29 PM

To: kevinrkempeExemption 6 Cc: BIA FOIA <foia@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, "Mr. Wakin'yan Howa`ste"

<Wakinyan.howaste@bia.gov>

Bcc: Ethel Dybdahl <ethel.dybdahl@bia.gov>, Letha Wilson <letha.wilson@bia.gov>, Becky Smith

becky.smith@bia.gov>, Denise Hart <denise.hart@bia.gov>, Michelle Corbine <michelle.mccormick@bia.gov>, Karlene Zajicek

<karlene.zajicek@bia.gov>, Douglas Garcia <douglas.garcia@bia.gov>, Michael Simpson <michael.simpson@bia.gov>,

John Ketcher <john.ketcher@bia.gov>, Jean Buck-Curtis

jean.buck-curtis@bia.gov>, Sonya Long <sonya.long@bia.gov>,

Bryan Bowker <bryan.bowker@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Shyla Joe <shyla.joe@bia.gov>,

Heather Garcia <heather.garcia@bia.gov>, Angela Kelsey <angela.kelsey@sol.doi.gov>, Katrinka Jack

<katrinka.jack@bia.gov>, Linda Brisbane <liinda.brisbane@bia.gov>, Katherine Henningsen

<katherine.henningsen@bia.gov>, Jamie Ereaux <jamie.ereaux@bia.gov>, Karinda Eden <karinda.eden@bia.gov>, Lolita

Crespin <lolita.crespin@bia.gov>

Dear Mr. Kemper:

Please find attached our reply to your FOIA request, with incoming attached.

Hard Copy also mailed via U.S. Postal Service

cc:

Director, Alaska Regional Office Director, Eastern Regional Office Director, Eastern Oklahoma Regional Office Director, Great Plains Regional Office Director, Midwest Regional Office Director, Navajo Regional Office Director, Northwest Regional Office Director, Pacific Regional Office Director, Rocky Mountain Regional Office Director, Southern Plains Regional Office Director, Southwest Regional Office Director, Western Regional Office

Thank You Kindly.

Wakingan WoWaste (Lakota-Sioux)
Program Analyst, FOIA Coordinator
U.S. Department of the Interior
Bureau of Indian Affairs
Office of the Deputy Bureau Director - Indian Services
1849 C St., NW MS-4513
Washington, D.C. 20240
(202) 513-7629
(Pronounced "Wa-key-yah Ho-washday")

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2 attachments

INCOMING 12.2.14 FOIA BIA-2015-00421_KEMPER_Kevin R.pdf

FOIA BIA-2015-00421_KEMPER_Kevin R_Signed 12.23.14.pdf 1117K

Largo, Daniel <daniel.largo@bia.gov> To: wakinyan.howaste@bia.gov

Your message

To: Largo, Daniel Subject: FOIA BIA-2015-00421_KEMPER_Kevin R Sent: 12/23/14, 4:29:10 PM EST

was read on 12/23/14, 4:30:38 PM EST

Kelsey, Angela <angela.kelsey@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

I surnamed the FOIA package as soon as I received it this afternoon and gave it back to our staff assistant, Jermain Smith.

[Quoted text hidden]

Tue, Dec 23, 2014 at 4:30 PM

Tue, Dec 23, 2014 at 5:06 PM



Fwd: Kemper complaint

1 message

Largo, Daniel <daniel.largo@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov> Cc: BIA FOIA <foia@bia.gov> Mon, Jun 22, 2015 at 2:37 PM

Wakinyan,

Just giving you a heads on this. Will advise more once I hear back from the Solicitor's office.

Thanks,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

------ Forwarded message ------From: **Krispinsky, Rebekah** <rebekah.krispinsky@sol.doi.gov> Date: Mon, Jun 22, 2015 at 2:20 PM Subject: Fwd: Kemper complaint To: Daniel Largo <daniel.largo@bia.gov>

Can't remember if we discussed whether you have already seen this...

Rebekah M. Krispinsky Assistant Solicitor, Branch of Tribal Government Services Office of the Solicitor Department of the Interior Phone: (202) 208-4479 Rebekah.Krispinsky@sol.doi.gov

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------ Forwarded message ------From: **Krispinsky, Rebekah** <rebekah.krispinsky@sol.doi.gov> Date: Mon, Jun 22, 2015 at 1:52 PM Subject: Re: Kemper complaint To: "Lurie, Maria" <maria.lurie@sol.doi.gov> Cc: "Lohr, Gabriel" <gabriel.lohr@sol.doi.gov>, James Porter <james.porter@sol.doi.gov>

Complaint attached.

Rebekah M. Krispinsky Assistant Solicitor, Branch of Tribal Government Services Office of the Solicitor Department of the Interior Phone: (202) 208-4479 Rebekah.Krispinsky@sol.doi.gov

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On Mon, Jun 22, 2015 at 12:41 PM, Lurie, Maria <maria.lurie@sol.doi.gov> wrote: Dear Colleagues:

I am not familiar with this either. Rebekah, would you please send us a copy of the complaint? We'll then assign it to a DGL attorney to act as agency counsel, provided that Rachel hasn't already done so. (And I'll check now to see if another staff attorney is already handling it.)

Regards,

Maria Lurie, Attorney-Advisor Office of the Solicitor U.S. Department of the Interior 202.208.5216

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On Mon, Jun 22, 2015 at 12:30 PM, Lohr, Gabriel <gabriel.lohr@sol.doi.gov> wrote: I am unfamiliar with this matter. Maria?

Gabriel D. Lohr Attorney-Advisor, Branch of General Legal Services Division of General Law, Office of the Solicitor U.S. Department of the Interior (202) 513-0512 (202) 208-6475 (Fax)

On Mon, Jun 22, 2015 at 12:29 PM, Krispinsky, Rebekah <rebekah.krispinsky@sol.doi.gov> wrote: Hi,

I assume you all have seen and are handling the suit filed by Kevin Kemper in DC District Court, Case No. 1:15cv-771? I just came across it in my DTS queue. Let me know if there is anything we can do to help. Jim Porter is going to be our main FOIA point person until we can get Angela's vacancy filled.

Thanks, Rebekah

Rebekah M. Krispinsky Assistant Solicitor, Branch of Tribal Government Services Office of the Solicitor Department of the Interior Phone: (202) 208-4479 Rebekah.Krispinsky@sol.doi.gov

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B Kemper materials.pdf 6163K



Fwd: Keller v. BIA (tribal constitutions/inadequate search)

12 messages

Largo, Daniel <daniel.largo@bia.gov>

Wed, Jun 24, 2015 at 10:38 AM

To: Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov> Cc: Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, "Michael R. Smith" <mike.smith@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Good morning Hankie and Spike:

Attached, please find a complaint filed against the BIA on a FOIA request handled by your office, the control number is BIA-2015-00421. I spoke this morning with Wakinyan on this request. The requester is asking for copies of each version of the constitution, articles of incorporation and other organic legal document of all American Indian and Alaska Native tribal government within the United States.

The BIA Office of Indian Services provided a response to the requester on December 23, 2014 indicating that you were not able to locate any files that were responsive to the request in the Washington, DC office. Your office also provided some websites on where some of this information can be located. I remember a year or two ago, when I was in Tribal Government, De Springer, who was at the time the acting Division Chief for Tribal Government services requested all the Tribal Government Officers provide a copy of all constitutions within their region. I was assuming that your office kept copies of all these some where in the Central Office Tribal Government office. And in talking with Wakinyan, he indicated that is not the case. Therefore, I am respectfully asking if you can assist in asking all your Tribal Government Officers in all the 12 regions to provide this information to the Central Office Tribal Government office. Since the Tribal Government office will know which tribes have a current constitution, perhaps a check list can be created to ensure we have every constitution that is out there? And can provide this information to the requester? This is just some ideas on how to proceed forward with this request. I am ccing Jennifer Heindl, who is the assigned Solicitor handling this case. In Jennifer's email, she indicated that we are asking for a 30 day extension, and I am hoping the court can grant this, because this will give us enough time to gather all the documents altogether. Jennifer also asked if we can schedule a call next week to proceed forward on this, I can certainly make some time for this call. Wakinyan also indicate that there might be a Tribal Government call next month, perhaps we can inform the Tribal Government Officers that we need this information as soon as possible. I also included Mr. Mike Smith on this email, also to see if we can get the Regional Director's support in having all the Tribal Government Officers provide this information as soon as possible.

I will be on travel, starting on Friday, June 26th through Thursday, July 2nd, 2015, I will be providing FOIA training to the Southwest Region. So if there should be a call scheduled next week, can we have it on Monday, June 29th? If not, I can try to re-arranged my schedule. I am also assigning Ms. Jessica Rogers from my office to assist. So if you have any other questions, please contact myself or Jessica.

Thank you,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

------ Forwarded message ------From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov> Date: Wed, Jun 24, 2015 at 9:11 AM Subject: Keller v. BIA (tribal constitutions/inadequate search) To: Daniel Largo <daniel.largo@bia.gov>

Hi Daniel,

Attached please find the complaint for this case. The answer is due on July 2. We are seeking a 30 extension to answer. I will keep you posted as to whether the court grants it. In the meantime, we should start thinking about where responsive documents would be located in BIA or AS/IA. It looks like the initial search was very circumscribed and produced only one (arguably) responsive document. I anticipate additional searches will be necessary to meet our burden under the FOIA. We, and anyone else you think should be included, should talk next week about how to move forward. Thank you, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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P 2015_06_24_09_02_14.pdf 3512K

 Bighorn, Spike <spike.bighorn@bia.gov>
 Wed, Jun 24

 To: "Largo, Daniel" <daniel.largo@bia.gov>
 Cc: Hankie Ortiz <hankie.ortiz@bia.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Jessica Rogers

 <jessica_rogers@ost.doi.gov>, "Michael R. Smith" <mike.smith@bia.gov>, Wakinyan Howaste

 <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Hi Daniel:

We would be happy to have a call anytime on Monday afternoon, June 29.

If everyone can respond to Wakinyan on your availability on Monday afternoon, he will work with me to schedule a time, location and conference call number. I will also include Jim Porter, as he works very closely with our Tribal Government Services staff. Laurel and Hankie are both on leave that day, however we can proceed as I can brief after the call.

We look forward to hearing from everyone!

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. Wed, Jun 24, 2015 at 11:37 AM

MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov [Quoted text hidden]

Largo, Daniel <daniel.largo@bia.gov>

Wed, Jun 24, 2015 at 11:42 AM

To: "Bighom, Spike" <spike.bighom@bia.gov> Cc: Hankie Ortiz <hankie.ortiz@bia.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, "Michael R. Smith" <mike.smith@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Thank you, Spike.

I am available anytime on Monday as I will be at the Southwest Regional Office reviewing some of their FOIA files, so I will be operating on Mountain Standard time for Monday.

Thanks,.

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Largo, Daniel <daniel.largo@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov>

FYI,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

------ Forwarded message ------From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov> Date: Wed, Jun 24, 2015 at 11:58 AM Subject: Re: Keller v. BIA (tribal constitutions/inadequate search) To: "Largo, Daniel" <daniel.largo@bia.gov> Wed, Jun 24, 2015 at 11:59 AM

Thanks, Daniel. I have wide availability on Monday- anytime except 12-1:30 Eastern. Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: James Porter <james.porter@sol.doi.gov> Cc: "Mr. Wakin'yan Howa`ste"' <Wakinyan.howaste@bia.gov>

Here you go James, pdf attached

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst, Records Management Officer/FOIA Coordinator Office of the Deputy Bureau Director - Indian Services U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]

2015_06_24_09_02_14.pdf 3512K

Largo, Daniel <daniel.largo@bia.gov>

Mon, Jul 13, 2015 at 2:27 PM

Mon. Jun 29, 2015 at 11:21 AM

To: Ethel Dybdahl <ethel.dybdahl@bia.gov>, Nicholas Masters <nicholas.masters@bia.gov>, Letha Wilson <letha.wilson@bia.gov>, Troyce Garringer <troyce.gaminger@bia.gov>, Becky Smith <becky.smith@bia.gov>, Yolanda Laplant <yolanda.laplant@bia.gov>, Anne-Marie Tso <anne-marie.tso@bia.gov>, Denise Hart <denise.hart@bia.gov>, Michelle Corbine <Michelle.Corbine@bia.gov>, Darren Smith <darren.smith@bia.gov>, Karlene Zajicek <Karlene.Zajicek@bia.gov>, Sean Johnson <sean.johnson@bia.gov>, Twyla Stange <twyla.stange@bia.gov>, Douglas Garcia <douglas.garcia@bia.gov>, Janice Whipple <janice.whipple@bia.gov>, Michael Simpson <michael.simpson@bia.gov>, Geraldine Riddle <geraldine.riddle@bia.gov>, Kristin Roberson <Kristin.Roberson@bia.gov>, Leslie Borden <leslie.borden@bia.gov>, Jean Buck-Curtis <jean.buck-curtis@bia.gov>, Sophia Torres <sophia.torres@bia.gov>, April Fredericks <april.fredericks@bia.gov> Cc: Kelly Meacham <kelly.meacham@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Jessica Rogers <jessica rogers@ost.doi.gov>

Good afternoon Regional FOIA Coordinators:

We have a FOIA request that was assigned to the Office of Indian Services that went into litigation and we are now needing your assistance. The requester is asking for copies of each version of the constitution, articles of incorporation and other organic legal documents of all American Indian and Alaska Native tribal government within the United States. We will also be sending this to all the Regional Directors to assist and ensure we comply with this request since it is now in litigation. Can you work with your Tribal Government Officers and search for any responsive records? If you have responsive records, please send them to Ms. Jessica Rogers cc: Wakinyan Howaste (Central Office Tribal Government) as soon as possible.

Thank you,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 202-208-6597 (Fax) E-mail: Daniel.Largo@bia.gov

-- Forwarded message ---From: Largo, Daniel <daniel.largo@bia.gov> Date: Wed, Jun 24, 2015 at 10:38 AM Subject: Fwd: Keller v. BIA (tribal constitutions/inadequate search) To: Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov> Cc: Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Jessica Rogers <jessica rogers@ost.doi.gov>, "Michael R. Smith" <mike.smith@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

[Quoted text hidden]

2015_06_24_09_02_14.pdf 3512K

Wilson, Letha <letha.wilson@bia.gov> To: Jessica Rogers <jessica_rogers@ost.doi.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov> Cc: Daniel Largo <daniel.largo@bia.gov>, Kelly Meacham <Kelly.meacham@bia.gov>, Heather Garcia <heather.garcia@bia.gov>

Good Morning,

The Eastern Oklahoma's tribal constitutions are going out by Fed Ex today.

Thanks

-- Forwarded message --From: Largo. Daniel <daniel.largo@bia.gov> Date: Mon, Jul 13, 2015 at 1:27 PM Subject: Fwd: Keller v. BIA (tribal constitutions/inadequate search) Fri, Jul 17, 2015 at 11:08 AM

Letha Wilson Staff Assistant Regional Director's Office Eastern Oklahoma Region 918.781.4608 (p) 918.781.4604 (f)

2015_06_24_09_02_14.pdf 3512K

 Howaste, Wakinyan <wakinyan.howaste@bia.gov>
 Fri, Jul 17, 2015 at 12:30 PM

 To: "Wilson, Letha" <letha.wilson@bia.gov>
 Cc: Jessica Rogers <jessica_rogers@ost.doi.gov>, Daniel Largo <daniel.largo@bia.gov>, Kelly Meacham

 <Kelly.meacham@bia.gov>, Heather Garcia <heather.garcia@bia.gov>, Shyla Joe <shyla.joe@bia.gov>, Spike Bighorn

 <spike.bighorn@bia.gov>

Good afternoon Letha:

Please submit electronically.

Thank you kindly,

Mr. Wakin'yan Howa`ste' (Lakota)
Program Analyst
U.S. Department of the Interior
Bureau of Indian Affairs
1849 C St., NW MS-4513
Washington, D.C. 20240
(202) 513-7629.
[Quoted text hidden]

Largo, Daniel <daniel.largo@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov> Cc: Shyla Joe <shyla.joe@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov> Fri, Jul 17, 2015 at 12:37 PM

Wakinyan:

This is the response I have received from Southern Plains Region. I am hopeful your memo that your office will be sending to the regions will help clarify this?

Thanks,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

-----Forwarded message ------From: **Borden, Leslie** <leslie.borden@bia.gov> Date: Mon, Jul 13, 2015 at 3:54 PM Subject: Re: Keller v. BIA (tribal constitutions/inadequate search) To: "Bruner, Terrence" <terry.bruner@bia.gov>, Daniel Largo <daniel.largo@bia.gov> Cc: Kristin Roberson <kristin.roberson@bia.gov>, Daniel Deerinwater <Daniel.Deerinwater@bia.gov>, Sherry Lovin <sherry.lovin@bia.gov>

Daniel: Can you request they narrow their scope to a particular timeframe?? As you can see, this is *way too* broad and will be burdensome and voluminous for staff.

On Mon, Jul 13, 2015 at 2:35 PM, Bruner, Terrence <terry.bruner@bia.gov> wrote:

You realize this is going to take a great deal of time. TGS here doesn't have any extra staff to take this chore on "fulltime". .We are talking about going back in some cases to the 1950's. We have 24 governing documents, not counting charters etc, in this Region and they all have had amendments or revisions; in some cases, several times. And we may have to go to the records center in some cases.

On Mon, Jul 13, 2015 at 1:40 PM, Borden, Leslie <leslie.borden@bia.gov> wrote: FYI....

LESLIE BORDEN, Program Analyst BIA - SPRO - TRUST SERVICES P.O. Box 368 Anadarko, Oklahoma 73005

T: 405-247-1583 F: 405-247-4956

----- Forwarded message ------From: Largo. Daniel <daniel.largo@bia.gov>

Date: Mon, Jul 13, 2015 at 1:27 PM

Subject: Fwd: Keller v. BIA (tribal constitutions/inadequate search)

To: Éthel Dybdahl <ethel.dybdahl@bia.gov>, Nicholas Masters <nicholas.masters@bia.gov>, Letha Wilson <letha.wilson@bia.gov>, Troyce Garringer <troyce.garringer@bia.gov>, Becky Smith

becky.smith@bia.gov>, Yolanda Laplant <yolanda.laplant@bia.gov>, Anne-Marie Tso <anne-marie.tso@bia.gov>, Denise Hart <denise.hart@bia.gov>, Michelle Corbine <Michelle.Corbine@bia.gov>, Darren Smith <darren.smith@bia.gov>, Karlene Zajicek <Karlene.Zajicek@bia.gov>, Sean Johnson <sean.johnson@bia.gov>, Twyla Stange <twyla.stange@bia.gov>, Douglas Garcia <douglas.garcia@bia.gov>, Janice Whipple <janice.whipple@bia.gov>, Michael Simpson <michael.simpson@bia.gov>, Geraldine Riddle <geraldine.riddle@bia.gov>, Kristin Roberson <Kristin.Roberson@bia.gov>, Leslie Borden <leslie.borden@bia.gov>, Jean Buck-Curtis <jean.buck-curtis@bia.gov>, Sophia Torres <sophia.torres@bia.gov>, April Fredericks <april.fredericks@bia.gov>

DELIBERATIVE MATERIAL - INTERNAL USE ONLY DO NOT RELEASE.

Deputy Regional Director - IS/Adm Southern Plains Region Tele: 405-247-1517 Fax: 405-247-5611 Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Largo, Daniel" <daniel.largo@bia.gov> Cc: Shyla Joe <shyla.joe@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>

Yes the google share drive request sent out this morning 7/17/2015 shows (and clarifies) what we already have from southern plains.

They do not need to resubmit anything that is already been submitted.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]

Thu, Jul 23, 2015 at 4:02 PM

Fri, Jul 17, 2015 at 12:49 PM

Wilson, Letha <letha.wilson@bia.gov> To: "Largo, Daniel" <daniel.largo@bia.gov>, Kelly Meacham <Kelly.meacham@bia.gov>, Heather Garcia <heather.garcia@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Jessica Rogers <jessica rogers@ost.doi.gov> Cc: Diane Buck < Diane.Buck@bia.gov>, Kasey Mckenzie <kasey.mckenzie@bia.gov>, Barbara Bush <Barbara.Bush@bia.gov>

All of the Eastern Oklahoma's tribal constitutions have been uploaded to our folder in the Google drive.

Thanks

[Quoted text hidden]

Letha Wilson Staff Assistant **Regional Director's Office** Eastern Oklahoma Region 918.781.4608 (p) 918.781.4604 (f)

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Thu, Jul 23, 2015 at 4:05 PM To: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Shyla Joe <shyla.joe@bia.gov> Cc: "Mr. Wakin'yan Howa`ste" < Wakinyan.howaste@bia.gov>

fyi.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]

.



Accepted: OIS Conference call: Keller v. BIA (tribal constitutions... @ Mon Jun 29, 2015 2pm - 3pm (wakinyan.howaste@bia.gov)

1 message

Daniel Largo <daniel.largo@bia.gov> Reply-To: Daniel Largo <daniel.largo@bia.gov> To: wakinyan.howaste@bia.gov Thu, Jun 25, 2015 at 2:17 PM

Daniel Largo has accepted this invitation.

OIS Conference call: Keller v. BIA (tribal constitutions/inadequate search)

OIS Conference Room 4522 or via telecon: Conference Line # 866-704-5342 Participant Code # 5976742

Civil Action No. 1:15-cv-00771 (APM) attached

Keller v. BIA (tribal constitutions/inadequate search)

The requester is asking for copies of each version of the constitution, articles of incorporation and other organic legal document of all American Indian and Alaska Native tribal government within the United States.

Note: We already have several electronic Tribal Constitutions and Charters from each region already, we just need to send out the list we have, and have the regions or agency's send us what we do not have.

I will present what Tribal Constitutions we have (listed by by region) at the 9/26/15 telecon. WHW

When	Mon Jun 29, 2015 2pm – 3pm Eastern Time
------	---

Where OIS Conference Room 4522 (or) via telecon 866-704-5342 (map)

Calendar wakinyan.howaste@bia.gov

- Who Wakinyan Howaste organizer
 - James Porter
 - · Michael R. Smith
 - Spike Bighom
 - Daniel Largo
 - Jennifer Heindl
 - Shyla Joe

Attachments KEMPER FOIA BIA 2015_00421_Civil Action No. 115-cv-00771 (APM).pdf

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.



Accepted: OIS Conference call: Keller v. BIA (tribal constitutions... @ Mon Jun 29, 2015 2pm - 3pm (wakinyan.howaste@bia.gov)

1 message

Shyla Joe <shyla.joe@bia.gov> Reply-To: Shyla Joe <shyla.joe@bia.gov> To: wakinyan.howaste@bia.gov Thu, Jun 25, 2015 at 2:17 PM

Shyla Joe has accepted this invitation.

OIS Conference call: Keller v. BIA (tribal constitutions/inadequate search)

OIS Conference Room 4522 or via telecon: Conference Line # 866-704-5342 Participant Code # 5976742

Civil Action No. 1:15-cv-00771 (APM) attached

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When Mon Jun 29, 2015 2pm – 3pm Eastern Time

Where OIS Conference Room 4522 (or) via telecon 866-704-5342 (map)

Calendar wakinyan.howaste@bia.gov

- Who Wakinyan Howaste organizer
 - James Porter
 - · Michael R. Smith
 - Spike Bighorn
 - Daniel Largo
 - Jennifer Heindl
 - Shyla Joe

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1 message

James Porter <james.porter@sol.doi.gov> Reply-To: James Porter <james.porter@sol.doi.gov> To: wakinyan.howaste@bia.gov Thu, Jun 25, 2015 at 2:19 PM

James Porter has accepted this invitation.

OIS Conference call: Keller v. BIA (tribal constitutions/inadequate search)

OIS Conference Room 4522 or via telecon: Conference Line # 866-704-5342 Participant Code # 5976742

Civil Action No. 1:15-cv-00771 (APM) attached

Keller v. BIA (tribal constitutions/inadequate search)

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I will present what Tribal Constitutions we have (listed by by region) at the 9/26/15 telecon. WHW

When Mon Jun 29, 2015 2pm – 3pm Eastern Time

Where OIS Conference Room 4522 (or) via telecon 866-704-5342 (map)

Calendar wakinyan.howaste@bia.gov

- Who Wakinyan Howaste organizer
 - · James Porter
 - · Michael R. Smith
 - Spike Bighorn
 - Daniel Largo
 - Jennifer Heindl
 - · Shyla Joe

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Re: Invitation: OIS Conference call: Keller v. BIA (tribal constitutions... @ Mon Jun 29, 2015 2pm - 3pm (daniel.largo@bia.gov)

2 messages

Largo, Daniel <daniel.largo@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov> Cc: Jessica Rogers <jessica rogers@ost.doi.gov>

Thu, Jun 25, 2015 at 2:17 PM

Can you also send an invitation to Jessica Rogers too, Wakinyan?

Thanks.

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 202-208-6597 (Fax) E-mail: Daniel.Largo@bia.gov

On Thu, Jun 25, 2015 at 2:16 PM, Wakinyan Howaste <wakinyan.howaste@bia.gov> wrote:

more details » OIS Conference call: Keller v. BIA (tribal constitutions/inadequate search)

OIS Conference Room 4522 or via telecon: Conference Line # 866-704-5342 Participant Code # 5976742

Civil Action No. 1:15-cv-00771 (APM) attached Keller v. BIA (tribal constitutions/inadequate search) The requester is asking for copies of each version of the constitution, articles of incorporation and other organic legal document of all American Indian and Alaska Native tribal government within the United States.

Note: We already have several electronic Tribal Constitutions and Charters from each region already, we just need to send out the list we have, and have the regions or agency's send us what we do not have.

I will present what Tribal Constitutions we have (listed by by region) at the 9/26/15 telecon. WHW

When	Mon Jun 29, 2015 2pm – 3pm Eastern Time
Where	OIS Conference Room 4522 (or) via telecon 866-704-5342 (map)
Calendar	daniel.largo@bia.gov
Who	Wakinyan Howaste - organizer

- James Porter
 - Spike Bighorn
 - Jennifer Heindl

 - Shyla Joe

- Daniel Largo
- Michael R. Smith

Attachments KEMPER FOIA BIA 2015_00421_Civil Action No. 115-cv-00771 (APM).pdf

Going? Yes - Maybe - No more options »

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Howaste, Wakinyan <wakinyan.howaste@bia.gov> Thu, Jun To: "Largo, Daniel" <daniel.largo@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>

Thu, Jun 25, 2015 at 2:43 PM

Mr. Largo: Did Sorry about that ..

Did you get the Invite Jessica?

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst, Records Management Officer/FOIA Coordinator Office of the Deputy Bureau Director - Indian Services U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]



1 message

Jennifer Heindl <jennifer.heindl@sol.doi.gov> Reply-To: Jennifer Heindl <jennifer.heindl@sol.doi.gov> To: wakinyan.howaste@bia.gov Thu, Jun 25, 2015 at 3:20 PM

Jennifer Heindl has accepted this invitation.

OIS Conference call: Keller v. BIA (tribal constitutions/inadequate search)

OIS Conference Room 4522 or via telecon: Conference Line # 866-704-5342 Participant Code # 5976742

Civil Action No. 1:15-cv-00771 (APM) attached

Keller v. BIA (tribal constitutions/inadequate search)

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I will present what Tribal Constitutions we have (listed by by region) at the 9/26/15 telecon. WHW

When Mon Jun 29, 2015 2pm – 3pm Eastern Time

Where OIS Conference Room 4522 (or) via telecon 866-704-5342 (map)

Calendar wakinyan.howaste@bia.gov

- Who Wakinyan Howaste organizer
 - James Porter
 - Michael R. Smith
 - Spike Bighom
 - Daniel Largo
 - Jennifer Heindl
 - Shyla Joe
 - Jessica Rogers

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Spike Bighorn <spike.bighorn@bia.gov> Reply-To: Spike Bighorn <spike.bighorn@bia.gov> To: wakinyan.howaste@bia.gov Thu, Jun 25, 2015 at 3:25 PM

Spike Bighorn has accepted this invitation.

OIS Conference call: Keller v. BIA (tribal constitutions/inadequate search)

OIS Conference Room 4522 or via telecon: Conference Line # 866-704-5342 Participant Code # 5976742

Civil Action No. 1:15-cv-00771 (APM) attached

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I will present what Tribal Constitutions we have (listed by by region) at the 9/26/15 telecon. WHW

When Mon Jun 29, 2015 2pm – 3pm Eastern Time

Where OIS Conference Room 4522 (or) via telecon 866-704-5342 (map)

Calendar wakinyan.howaste@bia.gov

- Who Wakinyan Howaste organizer
 - James Porter
 - Michael R. Smith
 - Spike Bighorn
 - Daniel Largo
 - Jennifer Heindl
 - Shyla Joe
 - Jessica Rogers

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1 message

Jessica Rogers <jessica_rogers@ost.doi.gov> Reply-To: Jessica Rogers <jessica_rogers@ost.doi.gov> To: wakinyarı.howaste@bia.gov Thu, Jun 25, 2015 at 3:53 PM

Jessica Rogers has accepted this invitation.

OIS Conference call: Keller v. BIA (tribal constitutions/inadequate search)

OIS Conference Room 4522 or via telecon: Conference Line # 866-704-5342 Participant Code # 5976742

Civil Action No. 1:15-cv-00771 (APM) attached

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When	Mon Jun 29, 2015 2pm – 3pm Eastern Time
Where	OIS Conference Room 4522 (or) via telecon 866-704-5342 (map)
Calendar	wakinyan.howaste@bia.gov
Who	 Wakinyan Howaste - organizer James Porter Michael R. Smith Spike Bighom Daniel Largo

- Daniel Largo
- Jennifer Heindl
- · Shyla Joe
- Jessica Rogers

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1 message

Michael R. Smith <mike.smith@bia.gov> Reply-To: "Michael R. Smith" <mike.smith@bia.gov> To: wakinyan.howaste@bia.gov Fri, Jun 26, 2015 at 9:24 AM

Michael R. Smith has declined this invitation.

OIS Conference call: Keller v. BIA (tribal constitutions/inadequate search)

OIS Conference Room 4522 or via telecon: Conference Line # 866-704-5342 Participant Code # 5976742

Civil Action No. 1:15-cv-00771 (APM) attached

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The requester is asking for copies of each version of the constitution, articles of incorporation and other organic legal document of all American Indian and Alaska Native tribal government within the United States.

Note: We already have several electronic Tribal Constitutions and Charters from each region already, we just need to send out the list we have, and have the regions or agency's send us what we do not have.

I will present what Tribal Constitutions we have (listed by by region) at the 9/26/15 telecon. WHW

Where	OIS Conference Room 4522 (or) via telecon 866-704-5342 (map)

Mon Jun 29, 2015 2pm – 3pm Eastern Time

Calendar wakinyan.howaste@bia.gov

Who

When

Wakinyan Howaste - organizer

- James Porter
- · Michael R. Smith
- Spike Bighorn
- Daniel Largo
- Jennifer Heindl
- · Shyla Joe
- Jessica Rogers

Attachments KEMPER FOIA BIA 2015_00421_Civil Action No. 115-cv-00771 (APM).pdf

Invitation from Google Calendar

You are receiving this email at the account wakinyan.howaste@bia.gov because you are subscribed for invitation replies on calendar wakinyan.howaste@bia.gov.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.



Notification: OIS Conference call: Keller v. BIA (tribal constitutions... @ Mon Jun 29, 2015 2pm - 3pm (Wakinyan Howaste)

1 message

Google Calendar <calendar-notification@google.com> Reply-To: Wakinyan Howaste <wakinyan.howaste@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov> Mon, Jun 29, 2015 at 12:59 PM

OIS Conference call: Keller v. BIA (tribal constitutions/inadequate search) more details »

OIS Conference Room 4522 or via telecon: Conference Line # 866-704-5342 Participant Code # 5976742

Civil Action No. 1:15-cv-00771 (APM) attached

Keller v. BIA (tribal constitutions/inadequate search)

The requester is asking for copies of each version of the constitution, articles of incorporation and other organic legal document of all American Indian and Alaska Native tribal government within the United States.

Note: We already have several electronic Tribal Constitutions and Charters from each region already, we just need to send out the list we have, and have the regions or agency's send us what we do not have.

I will present what Tribal Constitutions we have (listed by by region) at the 9/26/15 telecon. WHW

When Mon Jun 29, 2015 2pm – 3pm Eastern Time

Where OIS Conference Room 4522 (or) via telecon 866-704-5342 (map)

Calendar Wakinyan Howaste

- Who Wakinyan Howaste organizer
 - James Porter
 - Michael R. Smith
 - Spike Bighorn
 - Daniel Largo
 - Jennifer Heindl
 - Shyla Joe
 - Jessica Rogers

Attachments KEMPER FOIA BIA 2015_00421_Civil Action No. 115-cv-00771 (APM).pdf

Going? Yes - Maybe - No more options »

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Out of Office Until July 6, 2015 with no email access Re: Tribal Constitutions by Region_OIS FOIA KEMPER FOIA BIA 2015_00421_

1 message

Rogers, Jessica <jessica_rogers@ost.doi.gov> To: wakinyan.howaste@bia.gov Mon, Jun 29, 2015 at 5:26 PM

Thank you for your email. I am currently out of the office without email access. I will be returning on July 6, 2015. If you need immediate assistance during my absence, please contact the main office number at 202.208.3135.

Jessica R. Rogers Acting Government Information Specialist U.S. Department of the Interior Assistant Secretary - Indian Affairs Freedom of Information Act Office (IA- FOIA) 1849 C Street NW, MS-3070 Washington, DC 20240 Office | 202.208.3135 jessica_rogers@ost.doi.gov

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Out of the office Re: Tribal Constitutions by Region_OIS FOIA KEMPER FOIA BIA 2015_00421_

1 message

Largo, Daniel <daniel.largo@bia.gov> To: wakinyan.howaste@bia.gov Mon, Jun 29, 2015 at 5:26 PM

Hello,

I will be out of the office Friday, June 26th through Monday, July 6th, and will return on Tuesday, July 7th, 2015. If you need immediate assistance, please contact your Regional FOIA Coordinator or Mr. Kelly Meacham at 202-513-7781 or by email at kelly.meacham@bia.gov,

Thank you, Daniel Largo

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov



Tribal Constitutions by Region_OIS FOIA KEMPER FOIA BIA 2015_00421_

5 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Mon, Jun 29, 2015 at 5:25 PM

To: Jessica Rogers <jessica_rogers@ost.doi.gov>

- ,

Cc: Daniel Largo <daniel.largo@bia.gov>, James Porter <james.porter@sol.doi.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Spike Bighom <spike.bighom@bia.gov>

Good afternoon Jessica:

I have the pdf's for the on a jump drive, I will bring them to you Tuesday around 10 am, okay.. The files are to large to send by email.

Some Constitutions are "Amended" so I added both or all.

Alaska: 59 Eastern: 6 Eastern Oklahoma: 16 Great Plains: 11 Midwest: 25 Navajo: 0 Northwest: 9 Pacific: 39 Rocky Mountain: 3 Southern Plains: 19 Southwest: 9 Western: 25

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst, Records Management Officer/FOIA Coordinator Office of the Deputy Bureau Director - Indian Services U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

Largo, Daniel <daniel.largo@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Jessica Rogers <jessica_rogers@ost.doi.gov>, James Porter <james.porter@sol.doi.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Spike Bighom <spike.bighom@bia.gov>, Heather Garcia <heather.garcia@bia.gov>

Wakinyan:

Jessica is out of the office this week, can you leave this with Heather? Myself and Jessica will start reviewing when we return to the office on Monday.

Thanks,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Bighorn, Spike <spike.bighom@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Hi Wakinyan:

Are all the constitutions listed below on the jump drive you're providing Jessica today?

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Bighom, Spike" <spike.bighom@bia.gov>

all except 2, I waiting for Mary to scan 2 for Rocky Mountain Region - Northern Cheyenne and Crow.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst, Records Management Officer/FOIA Coordinator Office of the Deputy Bureau Director - Indian Services U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Bighom, Spike" <spike.bighom@bia.gov> Tue, Jun 30, 2015 at 9:40 AM

Mary was mistaken: The files were "Northern Cheyenne and Crow Tribal Constitution Court" files not actual constitutions.

So yes everything we have , is now on the jump drive.

Tue, Jun 30, 2015 at 8:33 AM

Tue, Jun 30, 2015 at 9:01 AM



jump drive with Tribal Constitutions is ready to be transferred to FOIA office.

3 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Tue, Jun 30, 2015 at 10:28 AM

To: Heather Garcia <heather.garcia@bia.gov> Cc: Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Daniel Largo <daniel.largo@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Spike Bighorn <spike.bighorn@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good morning Heather: The Tribal Constitutions for the KEMPER FOIA BIA 2015_00421 are ready. Let me know when you are at your office and I will bring

I have the pdf's for the on a jump drive, I will bring them to you Tuesday around 10 am, okay.. The files are to large to send by email.

Some Constitutions are "Amended" so I added both or all.

Alaska: 59 Eastern: 6 Eastern Oklahoma: 16 Great Plains: 11 Midwest: 25 Navajo: 0 Northwest: 9 Pacific: 39 Rocky Mountain: 1 Southern Plains: 19 Southwest: 9 Western: 25

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst, Records Management Officer/FOIA Coordinator Office of the Deputy Bureau Director - Indian Services U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

Garcia. Heather <heather.garcia@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Jennifer Heindl <iennifer heindl@sol.doi.gov>, Daniel Largo <daniel.largo@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Spike Bighorn <spike.bighorn@bia.gov>

Hi Wakinyan,

Tue, Jun 30, 2015 at 10:56 AM

I'm down here now.. you can stop before 11:30. or after 1pm. -HGarcia

[Quoted text hidden]

Thank you,

Heather Garcia Government Information Assistant Assistant Secretary - Indian Affairs Freedom of Information Act Office (IA- FOIA) 1849 C Street NW MS-3070-MIB Washington, DC 20240 Phone# (202)208-3508 heather.garcia@bia.gov POSITIVE PEOPLE POWERFUL RESULTS

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Garcia, Heather" <heather.garcia@bia.gov>

okay, on my way

Tue, Jun 30, 2015 at 11:27 AM

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]



Tuesday 6/30/15 - 707 - 437 (9.0 hrs) / *+ .25 minutes/ - 5:07 Pm - Checking Out

2 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Tue, Jun 30, 2015 at 5:07 PM To: Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

*+ .25 minutes Tribal Gov emails and SOL Jim Porter re: Kemper FOIA

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst, Records Management Officer/FOIA Coordinator Office of the Deputy Bureau Director - Indian Services U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

USED on 7/3/15 for the extra hour needed

Mr. Wakin'yan Howa`ste' (Lakota)

U.S. Department of the Interior

Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240

Program Analyst

(202) 513-7629. [Quoted text hidden] Thu, Jul 2, 2015 at 9:56 AM



Kemper FOIA - Constitutions

22 messages

Porter, James <james.porter@sol.doi.gov> Tue, Jun 30, 2015 at 4:21 PM To: Spike Bighorn <spike.bighorn@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Spike, Wakinyan,

Scott Keep recalls that your office's extensive collection of tribal constitutions was contained in a bunch of white binders in an office on your all, perhaps the one now occupied by Mary Foster.

James W. Porter Attorney-Advisor Branch of Tribal Government Services, Division of Indian Affairs Office of the Solicitor, Department of the Interior 1849 C Street, N.W. Washington, D.C. 20240 Mail stop 6518 202-208-5349 (phone) 202-208-4115 (fax) James.Porter@sol.doi.gov

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Howaste, Wakinyan <wakinyan.howaste@bia.gov> Tue, Jun 30, 2015 at 4:49 PM To: "Porter, James" <james.porter@sol.doi.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good afternoon Jim: I will check with Mary tomorrow, she has gone home for the day.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden] To: "Porter, James" < james.porter@sol.doi.gov>, Jennifer Heindl < jennifer.heindl@sol.doi.gov>, Daniel Largo <daniel.largo@bia.gov>

Cc: Spike Bighom <spike.bighom@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>

Good morning: should we be searching and retrieving Charters as well as constitutions, or constitutions only, for now?

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

[Quoted text hidden]

Heindl, Jennifer <jennifer.heindl@sol.doi.gov> Wed, Jul 1, 2015 at 8:25 AM To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, James Porter <james.porter@sol.doi.gov>

Hi Wakinyan,

I would include them in the search. There may be material that we ultimately decide is not responsive or that requires redaction, but I would structure the search to find everything that is potentially responsive.

Thanks. Jennifer

Jennifer A. Heindl

Attomey Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Heindl, Jennifer" < jennifer.heindl@sol.doi.gov> Cc: James Porter <james.porter@sol.doi.gov>, "Mr. Wakin'yan Howa`ste'" <Wakinyan.howaste@bia.gov>

Good morning Jennifer:

Okay, I am preparing a (Records) "Research Request" for the American Indian Records Repository (A.I.R.R.).

Wed, Jul 1, 2015 at 8:38 AM

Potentially responsive material, okay, for "quarry search key words", would you say:

"Tribal corporate charter(s), constitutions, IBIA appeals.decisions, amendments, election procedures, petitions(s) for incorporation" (?)

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

[Quoted text hidden]

Wed, Jul 1, 2015 at 8:55 AM

Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: James Porter <james.porter@sol.doi.gov>

Hi Wakinyan,

These seem like good search terms overall, and Jim might have more thoughts on this. If anything, it seems potentially too broad. I am not familiar with this system or its search function. In particular, I wonder if "IBIA appeals decisions" could bring in a lot of non-responsive stuff that BIA FOIA would have to sift through?

Thanks, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

 Howaste, Wakinyan <wakinyan.howaste@bia.gov>
 Wed, Jul 1, 2015 at 9:06 AM

 To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>
 C: James Porter <james.porter@sol.doi.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Jenifer:

Yes, I agree, broad, very broad. I can disregard "IBIA appeals.decisions" and any of the above mentioned key words that You and Jim deem unnecessary in the research request. I will await Jim's opinion also. Please provide any input that you feel is necessary.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

[Quoted text hidden]

Porter, James <james.porter@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov> Wed, Jul 1, 2015 at 9:08 AM

Thanks Wakinyan,

I think your request to AIRR is much broader than Mr. Kemper's FOIA. He did not ask for IBIA decisions, election procedures, or petitions for incorporation, and there could be a very large number of documents at AIRR meeting those descriptions. He asked for "organizing documents."

I suggest:

- 1. Tribal Constitutions, and amendments
- 2. Tribal articles of association, and amendments
- 3. "Tribal charters"
- 4. IRA section 17 corporate charters

[Quoted text hidden]

Bighorn, Spike <spike.bighorn@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Cc: "Porter, James" <james.porter@sol.doi.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>

Good morning:

My understanding from our call yesterday, is we will only submit constitutions at this point.

Am I correct in this assumption?

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov Wed, Jul 1, 2015 at 9:10 AM

On Wed, Jul 1, 2015 at 7:24 AM, Howaste, Wakinyan [Quoted text hidden]

Porter. James <iames.porter@sol.doi.gov>

Wed, Jul 1, 2015 at 9:34 AM To: "Bighorn, Spike" <spike.bighorn@bia.gov>, Scott Keep <scott.keep@sol.doi.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Jennifer Heindl <iennifer.heindl@sol.doi.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>

Thanks Spike.

I discussed this question with Scott Keep yesterday. His opinion, with which I fully concur, is that there should not be any reason to withhold Section 17 charters.

A separate question is whether such charters are actually "organizing documents" that would be responsive to the FOIA request. It would be great if we could get clarification on that point from the requestor. If all you addressees agree that we should seek clarification, then we probably need to figure out how to approach the requestor with the question. Do we have BIA respond to Mr. Kemper, or do we have Jennifer initiate the conversation with Mr. Kemper's attorney?

Jim

[Quoted text hidden]

Heindl, Jennifer < jennifer.heindl@sol.doi.gov>

To: "Porter, James" <james.porter@sol.doi.gov>

Wed, Jul 1, 2015 at 9:45 AM

Cc: "Bighorn, Spike" <spike.bighorn@bia.gov>, Scott Keep <scott.keep@sol.doi.gov>, "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>

Hi Jim,

I think we would want to go through the plaintiff's attorney at this point. I can contact him today, and see if he can get quick feedback from plaintiff.

So the question is "Does the requester seek charters of incorporation issued under Section 17 of the Indian Reorganization Act in addition to tribal constitutions under Section 16 of the Act?"

Thanks. Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

Porter, James <james.porter@sol.doi.gov>

Wed, Jul 1, 2015 at 9:58 AM

To: "Heindl, Jennifer" < jennifer.heindl@sol.doi.gov> Cc: "Bighorn, Spike" <spike.bighom@bia.gov>, Scott Keep <scott.keep@sol.doi.gov>, "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov> Thanks much, Jennifer.

The FOIA request is for "each and every constitution, articles of incorporation or other similar organizing document." I believe it is true to say that an IRA section 17 corporate charter does not organize a tribe. On the other hand, tribes HAVE organized under "articles of association" (an example is attached). So I think it is reasonable to seek clarification. But others might not see much ambiguity in the request. [Quoted text hidden]

Sycuan Articles of Association-Sycuan.pdf

Keep, Scott <scott.keep@sol.doi.gov>

Wed, Jul 1, 2015 at 10:21 AM

To: "Heindl, Jennifer" <iennifer.heindl@sol.doi.gov>

Cc: "Porter, James" <james.porter@sol.doi.gov>, "Bighorn, Spike" <spike.bighom@bia.gov>, "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, Delores Springer <delores.springer@bia.gov>, Danelle Daugherty <Danelle.Daugherty@bia.gov>

The collection that Indian Services used to have included the corporate charters under both the IRA and OIWA. There would be no basis under FOIA for withholding either the charters or the constitutions.

Beware that I think Indian Services instructed the field to send it copies of all organic documents (constitutions, charters, articles of incorporation) during the Tribal Government conference in Green Bay a few years ago. I am taking the liberty of copying De and Dani since they initiated that effort with my strong encouragement since we always find ourselves in a difficult position when a tribal dispute arises, sucks in the ASIA and we don't know what the governing document says. De or Dani may be able to confirm what was or was not sent out.

Scott Keep

Division of Indian Affairs, Room 6515 Office of the Solicitor, Mail Stop 6513 U.S. Department of the Interior 1849 C Street, N.W. Washington, D.C. 20240

202-208-5311 Fax 202-219-1791 or 202-208-4115* *Good also after regular hours

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On Wed, Jul 1, 2015 at 9:45 AM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote: [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

To: "Keep, Scott" <scott.keep@sol.doi.gov>

Cc: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>, "Porter, James" <james.porter@sol.doi.gov>, "Bighorn, Spike" <spike.bighorn@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, Delores Springer <delores.springer@bia.gov>, Danelle Daugherty <Danelle.Daugherty@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>

Addressee's:

Wed, Jul 1, 2015 at 11:29 AM

Attached for your review, is the Records Move Request with the Tribal Corporate Charters and Constitutions that were sent to the AIRR by Daisy West, in May of 2008.

These records should not take more than a week or 2 for retrieval.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

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[Quoted text hidden]

075-08-0413-TribalCorporateCharters-Constitutions-5.9.08.pdf 1428K

Porter, James <james.porter@sol.doi.gov> Wed, Jul 1, 2015 at 11:34 AM To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: "Keep, Scott" <scott.keep@sol.doi.gov>, "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>, "Bighorn, Spike" <spike.bighom@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, Delores Springer <delores.springer@bia.gov>, Danelle Daugherty <Danelle.Daugherty@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>

Thanks Wakinvan. I guess I'm puzzled. Did AIRR provide us with a response to Daisy's 2008 request? Jim [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

To: "Porter, James" <james.porter@sol.doi.gov>

Cc: "Keep, Scott" <scott.keep@sol.doi.gov>, "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>, "Bighom, Spike" <spike.bighorn@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, Delores Springer <delores.springer@bia.gov>, Danelle Daugherty <Danelle.Daugherty@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>

.. no, the previously attachment is the "Request to move the records" which was approved by Lenexa and assigned an accession number.

...this document indicates the records were in fact sent and "Received by NARA-LENEXA".

Wed, Jul 1, 2015 at 11:42 AM

.. now, with this document, we can now easily request copies of those records.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

[Quoted text hidden]

Springer, Delores <delores.springer@bia.gov>

Wed, Jul 1, 2015 at 11:47 AM

To: "Porter, James" <james.porter@sol.doi.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, "Keep, Scott" <scott.keep@sol.doi.gov>, "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>, "Bighorn, Spike" <spike.bighorn@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, Danelle Daugherty <Danelle.Daugherty@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>

When I left TGS in 2014, there were white notebooks with copies of the constitution and charters by region. I started these notebooks in the 1990s, and added updates as they came in from the field. I left CO at the end of 1998, and they were up-to-date. While I was acting TGS Chief, we added any updates to the notebooks as they came in from the field. I cannot not speak to what happened during the time I was not working in or for CO (1999-2010). Rickey also scanned copies on to the OIS shared drive when we was at TGS.

It's my understanding that the constitutional files and charter files were sent to the AIRR, but those notebooks are still in TGS.

de [Quoted text hidden]

de springer Tribal Government Services 402/878-2502 - Phone 402/878-2943 - Fax 605/216-1393 - Cell

 Heindl, Jennifer <jennifer.heindl@sol.doi.gov>
 Wed, Jul 1, 2015 at 1:55 PM

 To: "Keep, Scott" <scott.keep@sol.doi.gov>, "Porter, James" <james.porter@sol.doi.gov>

 Cc: "Bighorn, Spike" <spike.bighorn@bia.gov>, "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Daniel Largo

 <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, Delores Springer <delores.springer@bia.gov>,

 Danelle Daugherty <Danelle.Daugherty@bia.gov>

Hi all,

I just had a short conversation about scope with the AUSA and he feels strongly that both charters of incorporation and constitutions are responsive to the request as written.

We also have received the 30 day extension to answer, until August 3.

Do you think we can get at least an initial, partial release out before our answer is due? More broadly, we will want to think about what would be a realistic timeline of rolling releases to get all the documents out. This would be helpful in any negotiations with plaintiff about potentially staying the case.

Thanks very much, Jennifer Jennifer A. Heindl Attorney Advisor Office of the Solicitor Division of General Law Branch of General Legal Services Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov> Wed, Jul 1, 2015 at 2:36 PM

Cc: "Keep, Scott" <scott.keep@sol.doi.gov>, "Porter, James" <james.porter@sol.doi.gov>, "Bighom, Spike" <spike.bighom@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, Delores Springer <delores.springer@bia.gov>, Danelle Daugherty <Danelle.Daugherty@bia.gov>

Good afternoon: Do we search/provide "the most recent" or older versions and amendments as well?

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

[Quoted text hidden]

Heindl, Jennifer <jennifer.heindl@sol.doi.gov>

Wed, Jul 1, 2015 at 2:49 PM

To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: "Keep, Scott" <scott.keep@sol.doi.gov>, "Porter, James" <james.porter@sol.doi.gov>, "Bighorn, Spike" <spike.bighorn@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, Delores Springer <delores.springer@bia.gov>, Danelle Daugherty <Danelle.Daugherty@bia.gov>

Hi all,

Here is the language from the December 1, 2014, FOIA request (BIA-2015-00421):

"I request access to and copies of each and every constitution, articles of incorporation, or similar organizing document ever passed for or by each of the current federally-recognized American Indian or Alaska Native tribes in the United States. For instance, if a tribe has had three constitutions, I want all three versions. I also know that some tribes have articles of incorporation instead of constitutions, so I request those, too."

Thanks,

Jennifer

Jennifer A. Heindl Attomey Advisor Office of the Solicitor Division of General Law Branch of General Legal Services Voice: 202-208-7094 Fax: 202-219-1790

This e-mail (including any attachments) is intended for the use of the individual or entity to whom or which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and destroy all copies. Thank you.

[Quoted text hidden]

Springer, Delores <delores.springer@bia.gov>

To: "Heindl, Jennifer" < jennifer.heindl@sol.doi.gov>

Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, "Keep, Scott" <scott.keep@sol.doi.gov>, "Porter, James" <james.porter@sol.doi.gov>, "Bighorn, Spike" <spike.bighorn@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, Danelle Daugherty <Danelle.Daugherty@bia.gov>

This person is not looking for charters. I thought you guys were talking about Federal Charters of Incorporation.

There are a couple of tribes in California whose governing document is an "articles of incorporation" or instead of a constitution.

If I remember correctly, if a tribe adopted a constitution, later amended it (could be numerous amendments), or did a total revision, there should be copies of those documents in the notebooks.

de

[Quoted text hidden] -de springer Tribal Government Services 402/878-2502 - Phone 402/878-2943 - Fax 605/216-1393 - Cell

Daugherty, Danelle <danelle.daugherty@bia.gov>

To: "Keep, Scott" <scott.keep@sol.doi.gov> Cc: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>, "Porter, James" <james.porter@sol.doi.gov>, "Bighorn, Spike" <spike.bighorn@bia.gov>, "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, Delores Springer <delores.springer@bia.gov>

Hi Scott:

We had discussed an electronic clearinghouse - utilizing the Pathways program already built by TDR, but I could never get anyone to bite on that despite the low cost to fire it up.

I still recommend this for future leadership directory, docs, tied to bia.gov as read only for certain info, etc. It could be

Wed, Jul 1, 2015 at 3:06 PM

Sun, Jul 5, 2015 at 11:52 PM

amazing.

we have electronic versions on hand and could share quickly. Not sure about other regions

[Quoted text hidden]

Danelle J. Daugherty Deputy Regional Director - Indian Services Great Plains Regional Office, Bureau of Indian Affairs 115 4th Ave. SE, Suite 400 Aberdeen, South Dakota 57401 605-226-7343 (phone) 605-226-7446 (fax) danelle.daugherty@bia.gov

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Personnel to be cc'd on KEMPER FOIA BIA 2015_00421_Civil Action No. 115-cv-00771 (APM).pdf

6 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Wed, Jul 15, 2015 at 3:10 PM

To: Spike Bighorn <spike.bighorn@bia.gov>

Cc: Jennifer Heindl <jennifer heindl@sol.doi.gov>, James Porter <james.porter@sol.doi.gov>, Daniel Largo <daniel.largo@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Heather Garcia <heather.garcia@bia.gov>, "Mr. Wakin'yan Howa`ste''' <Wakinyan.howaste@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>

Good afternoon:

Jennifer Heindl (DOI-SOL) is requesting that Mr. Danial Largo, FOIA Officer (as well as the following) be cc'd on all email messages regarding the above Civil Action, as the FOIA Office will be responding to this Civil Action. This way calls or questions can be referred back to Mr. Largo.

Daniel Largo <daniel.largo@bia.gov> Jessica Rogers <jessica_rogers@ost.doi.gov> Heather Garcia <heather.garcia@bia.gov> Jennifer Heindl <jennifer.heindl@sol.doi.gov> James Porter <james.porter@sol.doi.gov> Spike Bighorn <spike.bighorn@bia.gov> "Mr. Wakin'yan Howa`ste''' <Wakinyan.howaste@bia.gov> (OIS FOIA Coordinator) Stephanie Jones <stephanie.jones@bia.gov> (Back up OIS FOIA Coordinator)

Thank you kindly,

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240

(202) 513-7629

Porter, James <james.porter@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Thu, Jul 16, 2015 at 7:55 AM

Thanks Wakinyan. I assume that BIA is assembling a bunch of Constitutions. How is that project going? Jim [Quoted text hidden]

....

James W. Porter Attorney-Advisor Branch of Tribal Government Services, Division of Indian Affairs Office of the Solicitor, Department of the Interior 1849 C Street, N.W. Washington, D.C. 20240 Mail stop 6518 202-208-5349 (phone) 202-208-4115 (fax) James.Porter@sol.doi.gov

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Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Thu, Jul 16, 2015 at 9:02 AM

To: "Porter, James" <james.porter@sol.doi.gov> Cc: Daniel Largo <daniel.largo@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Heather Garcia <heather.garcia@bia.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good morning Jim:

Spike has drafted a memo which is currently being reviewed by Mrs. Ortiz (today), then the memo goes to Mike Smith for review/signature and hopefully we will be able to get the memo sent out as soon as possible. The memo is based on the Civil Case requesting the Regional Director's to advise the regional tribal government officers to provide to the FOIA Officer Mr. Largo, any tribal constitutions that we do not already have on hand. Then, I will follow up with sending out a "google share drive" link/attachment to all tribal government officers and the required cc'd personnel mentioned and Regional Directors(?) indicating all the tribal constitutions we currently have available which have already been submitted to the FOIA Officer Mr. Largo.

I can send you and Jennifer a preview of the link that I am going to send out if you would like.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]

Porter, James <james.porter@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Thu, Jul 16, 2015 at 9:12 AM

Fri, Jul 17, 2015 at 10:25 AM

Thanks! Sounds like a thorough plan. I do not need to see your link. Jim [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

To: Spike Bighom <spike.bighom@bia.gov>, Shyla Joe <shyla.joe@bia.gov>

Cc: Jennifer Heindl <jennifer.heindl@sol.doi.gov>, James Porter <james.porter@sol.doi.gov>, Daniel Largo <daniel.largo@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Heather Garcia <heather.garcia@bia.gov>, "Mr. Wakin'yan Howa`ste"' <Wakinyan.howaste@bia.gov>, Stephanie Jones <stephanie.jones@bia.gov>



FOIA Request: Daniel Largo email

4 messages

Gravelle, Todd <todd.gravelle@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov> Cc: Daniel Largo <daniel.largo@bia.gov>

Mr. Wakinyan,

I wanted to make sure that we are to send the constitutions to the central office and that they are addressed to the right person. We plan to get this out in the mail today. Mr. Largo mentioned in his email that they should be sent to a Jessica Rogers? Do we send them to you or to Jessica? And if Jessica, what is her address? Thanks for the clarification.

Todd K. Gravelle Supervisory Tribal Operations Specialist Bureau of Indian Affairs Great Plains Region (MC-304) 115 4th Avenue SE, Suite 400 Aberdeen, SID 57401 T=(605) 226-7377 F=(605) 226-7379

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Gravelle, Todd" <todd.gravelle@bia.gov> Cc: Daniel Largo <daniel.largo@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good morning Todd:

Yes sir, that is correct, send them to Jessica, and cc Daniel and Heather Garcia. Heather is loading them into the FOIA Share drive.

Allow me share the 14 we have so far in a google share drive link, which should be in your email shortly, you can look in the Great Plains folder.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]

Gravelle, Todd <todd.gravelle@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Thu, Jul 16, 2015 at 10:18 AM

Well no one provided Jessica's address so I wanted to make sure I had the proper address. Perhaps another email should be sent out to provide it and clarify where the documents should be sent? The email from Daniel Largo said to send them to her (with no address identified) along with cc to you. [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Gravelle, Todd" <todd.gravelle@bia.gov> Cc: Jessica Rogers <jessica rogers@ost.doi.gov> Thu, Jul 16, 2015 at 10:19 AM

Jessica Rogers <jessica_rogers@ost.doi.gov>

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

[Quoted text hidden]



Your assisistance with BIA response to Kevin Kemper FOIA request

3 messages

Bighorn, Spike <spike.bighorn@bia.gov>

Fri, Jul 17, 2015 at 2:16 PM

To: Weldon Loudermilk <weldon.loudermilk@bia.gov>, Johnna Blackhair <johnna.blackhair@bia.gov>, Eddie Streater <Eddie.Streater@bia.gov>, Timothy LaPointe <timothy.lapointe@bia.gov>, Diane Rosen <diane.rosen@bia.gov>, Sharon Pinto <sharon.pinto@bia.gov>, Stanley Speaks <stanley.speaks@bia.gov>, Amy Dutschke <amy.dutschke@bia.gov>, Darryl LaCounte <darryl.lacounte@bia.gov>, Daniel Deerinwater <daniel.deerinwater@bia.gov>, William Walker <william.walker@bia.gov>, Bryan Bowker

bowker@bia.gov>

Cc: "Michael R. Smith" <mike.smith@bia.gov>, Hankie Ortiz <hankie.ortiz@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Shyla Joe <shyla.joe@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Daniel Largo <daniel.largo@bia.gov>, heather.garcia@bia.gov

Good afternoon:

I am sending this email on behalf of Mike Smith and Hankie Ortiz.

The Bureau of Indian Affairs is in receipt of a FOIA request from an individual by the name of Kevin Kemper, asking for copies of constitutions, articles of incorporation and other organic documents of: "....all American Indian and Alaska Native" tribal governments in the United States. In order to meet our requirements under FOIA, and after consulting with the Office of the Solicitor and the Indian Affairs FOIA office, we have decided to provide only copies of constitutions and articles of incorporation, (not Corporate Charters), to Mr. Kemper. The Division of Tribal Government Services has already compiled and forwarded to the FOIA office copies of all constitutions and articles of incorporation (approximately 514) on file with central office. We are asking your assistance to help us complete the request for documents.

Mr. Wakinyan HoWaste, the Office of Indian Services FOIA Coordinator, has provided to your Tribal Operations/Tribal Government Officers an email containing a link to a Google share drive that contains all the documents previously submitted to the FOIA office. Please have your Tribal Operations/Tribal Government staff consult the Google drive provided, to determine if your office has any copies of constitutions or articles of incorporation from tribal organizations in your region that have not yet been submitted to the Indian Affairs FOIA office. If you identify such a document(s), please submit ELECTRONICALLY a copy to Jessica Rogers at jessica_rogers@ost.doi.gov, before August 3, 2015. Since this request is only for documents we currently have in our possession, it is not necessary to perform a data call with your tribes and tribal organizations to solicit this information.

Thank you for your prompt assistance with this request. Should you have additional questions, please contact Laurel Iron Cloud, Chief, Division of Tribal Government Services, at 202-513-7626 or Shyla Joe, Tribal Relations Specialist, Office of Indian Services, at 202-513-0783. If Ms. Iron Cloud or Ms. Joe are unavailable, you may also contact me at the number listed below.

Thank you in advance for your assistance with this response.

Spike Bighorn, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. Harley Long <harley.long@bia.gov> To: spike.bighom@bia.gov, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Shyla Joe <shyla.joe@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Good Afternoon -

Pacific Region is working to provide you copies of the Constitutions requested in the email below, and the email from Mr. Wakinyan HoWaste. I am hoping to have completed uploading the documents by early next week. However, in the meantime, I have reviewed the Google Drive folder and feel it is necessary to point out that there are multiple documents that do not fit the criterion of your emails. The following is a list of those documents:

Agua Caliente Sept 2014 - This is not a federally recognized tribe, and therefore the constitution cannot be provided.

Bis Sandy Rancheria - Charter 2-2012 - This is a Charter of Incorporation, if there is a constitution on file it will be provided.

Covelo (Round Valley Indian Tribe) - Charter - This is a Charter of Incorporation.

Dry Creek Rancheria - Charter - 11-2012 - This is a Charter of Incorporation.

Elem Indian Colony - Const. 9-2012 - There is no Constitution included with this document

Elem Indian Colony - This is a complaint with a copy of the constitution provided by the membership not the tribe.

lone Band of Miwoks - Charter 5-2012 - This is a Charter of Incorporation, if there is a constitution on file it will be provided.

Manchester Band of Pomo - Charter - This is a Charter of Incorporation. Quartz Valley - Charter - This is a Charter of Incorporation.

Santa Rosa Band of Cahuilla Indians - Charter 1-2013 - This is a Charter of Incorporation.

Shingle Springs Band of Miwok Indians - Charter 5-2012 - This is a Charter of Incorporation.

Twenty Nine Palms Band of Mission Indians - Charter 2-2013 - This is a Charter of Incorporation

If there is a question, please let me know.

Harley Long, Tribal Government Officer United States Department of the Interior Bureau of Indian Affairs, Pacific Region P: 916.973.6067 F: 916.978.6099

-----Original Message-----From: Amy Dutschke [mailto:amy.dutschke@bia.gov] Sent: Friday, July 17, 2015 11:51 AM To: Harley Long Cc: Leonard Risling Subject: FW: Your assisistance with BIA response to Kevin Kemper FOIA request

I will assume you received this information and have looked on the google drive? If not, please review and provide response back to Central Office.


Kemper FOIA Litigation

2 messages

LaPointe. Sherrel <sherrel.lapointe@bia.gov>

Tue, Jul 21, 2015 at 9:23 AM To: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Shyla Joe <shyla.joe@bia.gov>

Good morning. I will be assisting the Midwest Region with their responsive records for the Kemper FOIA and I need some clarification - the "Articles of Incorporation" documents requested...are you interpreting that to mean only Constitutions (i.e. Alaska tribes with this type of governing document) or are we also to provide copies of Charters?

Sherrel LaPointe, Tribal Operations Specialist **BIA - Great Plains Region Tribal Government Services** 115 4th Avenue SE, Suite 400 Aberdeen, South Dakota 57401 P: 605.226.7376 F: 605.226.7379 E: sherrel.lapointe@bia.gov

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "LaPointe, Sherrel" <sherrel.lapointe@bia.gov>

Tue, Jul 21, 2015 at 10:51 AM

Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Shyla Joe <shyla.joe@bia.gov>, Spike Bighom <spike.bighom@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good morning Sherrel:

Please provide which ever governing document(s) the tribe uses; "Tribal Constitution, Articles of Incorporation or Tribal Codes".

It has been decided that "Charters" were not to be included.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]



No Additional Information for SWRO TGO Fwd: Your assisistance with BIA response to Kevin Kemper FOIA request

3 messages

Mattingly, Patricia <patricia.mattingly@bia.gov>

Mon, Jul 20, 2015 at 10:01 AM To: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Spike Bighom <spike.bighom@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Cc: William Walker <william.walker@bia.gov>, Gregory Mehojah <gregory.mehojah@bia.gov>, Jean Buck-Curtis <jean.buckcurtis@bia.gov>

Good morning All:

I am not sure who to respond to, so I am including all of you.

With regards to the information pertaining to the Southwest Regional Office, all information in the database that contains tribal government documents, i.e. constitutions/charters, is correct and the regional office DOES NOT have any additional documents.

As such, we will not be forwarding anything as we do not possess anything that has not yet been forwarded to the FOIA office.

Thank you,

Patricia

Forwarded message -From: Walker, William <william.walker@bia.gov> Date: Fri, Jul 17, 2015 at 12:33 PM Subject: Fwd: Your assisistance with BIA response to Kevin Kemper FOIA request To: Patricia Mattingly <patricia.mattingly@bia.gov>

---- Forwarded message -From: Bighorn, Spike <spike.bighom@bia.gov> Date: Fri, Jul 17, 2015 at 12:16 PM Subject: Your assisistance with BIA response to Kevin Kemper FOIA request To: Weldon Loudermilk <weldon.loudermilk@bia.gov>, Johnna Blackhair <johnna.blackhair@bia.gov>, Eddie Streater <Eddie.Streater@bia.gov>, Timothy LaPointe <timothy.lapointe@bia.gov>, Diane Rosen <diane.rosen@bia.gov>, Sharon Pinto <sharon.pinto@bia.gov>, Stanley Speaks <stanley.speaks@bia.gov>, Amy Dutschke <amy.dutschke@bia.gov>, Darryl LaCounte <darryl.lacounte@bia.gov>, Daniel Deerinwater <daniel.deerinwater@bia.gov>, William Walker <william.walker@bia.gov>, Bryan Bowker <bryan.bowker@bia.gov> Cc: "Michael R. Smith" <mike.smith@bia.gov>, Hankie Ortiz <hankie.ortiz@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Shyla Joe <shyla.joe@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Daniel Largo <daniel.largo@bia.gov>, heather.garcia@bia.gov

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The Bureau of Indian Affairs is in receipt of a FOIA request from an individual by the name of Kevin Kemper, asking for copies of constitutions, articles of incorporation and other organic documents of: "....all American Indian and Alaska Native" tribal governments in the United States. In order to meet our requirements under FOIA, and after consulting with the Office of the Solicitor and the Indian Affairs FOIA office, we have decided to provide only copies of constitutions and articles of incorporation, (not Corporate Charters), to Mr. Kemper. The Division of Tribal Government Services has already compiled and forwarded to the FOIA office copies of all

constitutions and articles of incorporation (approximately 514) on file with central office. We are asking your assistance to help us complete the request for documents.

Mr. Wakinyan HoWaste, the Office of Indian Services FOIA Coordinator, has provided to your Tribal Operations/Tribal Government Officers an email containing a link to a Google share drive that contains all the documents previously submitted to the FOIA office. Please have your Tribal Operations/Tribal Government staff consult the Google drive provided, to determine if your office has any copies of constitutions or articles of incorporation from tribal organizations in your region that have not yet been submitted to the Indian Affairs FOIA office. If you identify such a document(s), please submit ELECTRONICALLY a copy to Jessica Rogers at jessica_rogers@ost.doi.gov, before August 3, 2015. Since this request is only for documents we currently have in our possession, it is not necessary to perform a data call with your tribes and tribal organizations to solicit this information.

Thank you for your prompt assistance with this request. Should you have additional questions, please contact Laurel Iron Cloud, Chief, Division of Tribal Government Services, at 202-513-7626 or Shyla Joe, Tribal Relations Specialist, Office of Indian Services, at 202-513-0783. If Ms. Iron Cloud or Ms. Joe are unavailable, you may also contact me at the number listed below.

Thank you in advance for your assistance with this response.

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov

William Tandy Walker Director, Southwest Region Bureau of Indian Affairs (505) 563-3103

"We must never lose sight of our mission to protect and improve the trust assets of Indian Peoples and Indian Tribes. It is the fundamental reason for our existence."

Patricia L. Mattingly Tribal Government Officer BIA-Southwest Regional Office 1001 Indian School Rd, N.W. Albuquerque, N.M. 87104 (505) 563-3446 patricia.mattingly@bia.gov



Mon, Jul 20, 2015 at 4:39 PM

Rocky Mountain Region - Tribal Constitutions - FOIA Kemper

2 messages

Cree, Jo-Ellen <jo-ellen.cree@bia.gov>

To: Jessica Rogers <jessica_rogers@ost.doi.gov>

Cc: Darryl LaCounte <darryl.lacounte@bia.gov>, Louise Zokan-Delos Reyes <louise.zokan-delosreyes@bia.gov>, John Anevski <john.anevski@bia.gov>, Geraldine Riddle <geraldine.riddle@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>

Attached are the tribal constitutions missing from the share drive Mr. HoWaste sent out.

The only document official document we have for the Wind River Tribes is the attached Joint Business Council Resolution.

Const & By Laws 10-7-1938.pdf

Ft Belknap Tribal Constitution.pdf

Jo-Ellen Cree Housing/Indian Svcs Specialist BIA Rocky Mountain Region 2021 4th Avenue N Billings, Montana 59101 ofc: 406/247-7964 fax: 406/247-7566

4 attachments

Chippewa Cree Tribal Constitution.pdf

2001_Crow_Constitution.213200245.pdf 898K

pt_constitution_bylaws.pdf 970K

P NCheyenne Tribal Constitution.pdf

Spike Bighorn <spike.bighorn@bia.gov>

Tue, Jul 21, 2015 at 2:29 PM

To: Jo-Ellen Cree <jo-ellen.cree@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov> Cc: Darryl LaCounte <darryl.lacounte@bia.gov>, Louise Zokan-Delos Reyes <louise.zokan-delosreyes@bia.gov>, John Anevski <john.anevski@bia.gov>, Geraldine Riddle <geraldine.riddle@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Thank you for your prompt response Jo-Ellen!

Have a great day!

From: Cree, Jo-Ellen [mailto:jo-ellen.cree@bia.gov] Sent: Monday, July 20, 2015 4:40 PM To: Jessica Rogers Cc: Darryl LaCounte; Louise Zokan-Delos Reyes; John Anevski; Geraldine Riddle; Wakinyan Howaste; Spike Bighorn Subject: Rocky Mountain Region - Tribal Constitutions - FOIA Kemper

Attached are the tribal constitutions missing from the share drive Mr. HoWaste sent out.

The only document official document we have for the Wind River Tribes is the attached Joint Business Council Resolution.

Const & By Laws 10-7-1938.pdf

Ft Belknap Tribal Constitution.pdf

Jo-Ellen Cree

Housing/Indian Svcs Specialist

BIA Rocky Mountain Region

2021 4th Avenue N

Billings, Montana 59101

ofc: 406/247-7964

fax: 406/247-7566



Kemper vs BIA (Tribal Constitutions)

4 messages

Largo, Daniel <daniel.largo@bia.gov>

Thu, Jul 23, 2015 at 9:59 AM

To: Spike Bighom <spike.bighom@bia.gov> Cc: Jessica Rogers <jessica_rogers@ost.doi.gov>, Shyla Joe <shyla.joe@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Good morning, Spike:

I wanted to touch base with you in regards to your phone call you had with Jessica. As I understand that under the Pacific Region, we had copies of Tribal Constitutions of un-federally recognized tribes? We do have a deadline to submit our first partial release in which I think the better approach for us to continue is to leave out Pacific Region's Tribal Constitutions by August 3rd. I also would like to know what is the update on obtaining the rest of the Tribal Constitutions?

Thanks so much!

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

 Howaste, Wakinyan <wakinyan.howaste@bia.gov>
 Thu, Jul 23, 2015 at 10:42 AM

 To: "Largo, Daniel" <daniel.largo@bia.gov>
 Cc: Spike Bighom <spike.bighom@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Shyla Joe

 <shyla.joe@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>, Heather Garcia <heather.garcia@bia.gov>

Good morning Mr. Largo:

So far we have been cc'd via email to your office by ("X" indicates that Region has responded vs "no X" = No Response):

x	Alaska = 66 plus 208 (added per Dee)
	Eastern Region = 8 – Becky Smith
x	Eastern Oklahoma = 32 – Barbara Bush
x	Great Plains = 14 - Todd Gravelle

х	Midwest = 47 – Cynthia Stevens
	Navajo = 0 - Cheryl Curley
	Northwest =24 – Gregory Norton
x	Pacific = 49 – Harley Long
x	Rocky Mountain = 1 – Jo-Ellen Cree
x	Southern Plains = 32 – Andrea Phillips
x	Southwest = 14 – Patricia Matingly
	Western = 32 – Sharlot John/Sophia Torres

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]

 Bighorn, Spike <spike.bighorn@bia.gov>
 Fri, Jul 24, 2

 To: "Largo, Daniel" <daniel.largo@bia.gov>
 C: Jessica Rogers <jessica_rogers@ost.doi.gov>, Shyla Joe <shyla.joe@bia.gov>, Wakinyan Howaste

 <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Hi Daniel:

Yes, until we can verify Pacific Region's submissions are correct, please hold back those constitutions/articles of incorporation but feel free to send forth the others.

Laurel Iron Cloud is back in the office now, so you may coordinate with her on this issue until further notice.

Thanks!

Spike

Spike Bighorn, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Fri, Jul 24, 2015 at 10:45 AM



Out of the office Re: Kemper vs BIA (Tribal Constitutions)

1 message

Largo, Daniel <daniel.largo@bia.gov> To: wakinyan.howaste@bia.gov Thu, Jul 23, 2015 at 10:43 AM

Hello,

I will be out of the office Monday, July 20th through Friday, July 24th, and will return on Monday, July 27th, 2015. If you need immediate assistance, please contact your Regional FOIA Coordinator or Mr. Kelly Meacham at 202-513-7781 or by email at kelly.meacham@bia.gov,

Thank you, Daniel Largo

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov



Out of Office Until July 27, 2015 without email access Re: Kemper vs BIA (Tribal Constitutions)

1 message

Rogers, Jessica <jessica_rogers@ost.doi.gov> To: wakinyan.howaste@bia.gov Thu, Jul 23, 2015 at 10:43 AM

Thank you for your email. I am currently out of office and on travel without email access. I will return to the office on July 27, 2015. If you need immediate assistance during my absence, please contact the main office number at 202.208.3135.

Jessica R. Rogers Acting Government Information Specialist U.S. Department of the Interior Assistant Secretary - Indian Affairs Freedom of Information Act Office (IA- FOIA) 1849 C Street NW, MS-3070 Washington, DC 20240 Direct 202.208.4223 Main | 202.208.3135 jessica_rogers@ost.doi.gov

Warning: this email may contain Privacy Act data/sensitive data which is intended only for the use of the individual(s) to whom it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable laws. If you are not the intended recipient, you are hereby notified that any distribution or copy of this email is strictly prohibited.



Kevin Kemper FOIA request - Pacific Region - "Documents that do not fit the criteria"

1 message

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Fri, Jul 24, 2015 at 5:00 PM To: Daniel Largo <daniel.largo@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Harley Long <harley.long@bia.gov>, "Mr. Wakin'yan Howa`ste''' <Wakinyan.howaste@bia.gov>

Good afternoon Mr. Largo: We have reviewed the "documents that did not meet the criteria" per Harley Long, Pacific Region Tribal Government Officer.

As suggested, the following have been removed from the Google Share Drive:

Agua Caliente Sept 2014 - *This is not a federally recognized tribe, and therefore the constitution cannot be provided.* (This document has been removed)

Bis Sandy Rancheria - Charter 2-2012 - *This is a Charter of Incorporation*, (""if there is a constitution on file it will be provided"").

Covelo (Round Valley Indian Tribe) - Charter - This is a Charter of Incorporation. (This "Charter" document has been removed – A constitution and amendment are there on the share drive.)

Dry Creek Rancheria - Charter - 11-2012 - This is a Charter of Incorporation. (This "Charter" document has been removed – A Resolution and Article of Assoc. are there on the share drive.)

Elem Indian Colony - This is a complaint with a copy of the constitution provided by the membership not the tribe <This document has been removed). There is a copy of that constitution on the Google share drive for Pacific Region.

Ione Band of Miwoks - Charter 5-2012 - This is a Charter of Incorporation, (""if there is a constitution on file it will be provided"".)

Manchester Band of Pomo - Charter - This is a Charter of Incorporation. (This "Charter" document has been removed – A Constitution and By-Laws are there on the share drive.)

Quartz Valley - Charter - This is a Charter of Incorporation. (This "Charter" document has been removed – A charter is there on the share drive.)

Santa Rosa Band of Cahuilla Indians - Charter 1-2013 - This is a Charter of Incorporation. (This "Charter" document has been removed – An Article of Organization is there on the share drive.)

Shingle Springs Band of Miwok Indians - Charter 5-2012 - This is a Charter of Incorporation. (This "Charter" document has been removed –Articles of Association is there on the share drive.)

Twenty Nine Palms Band of Mission Indians - Charter 2-2013 - This is a Charter of Incorporation (This "Charter" document has been removed – An Article of Association is there on the share drive.)

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.



7/27/15 - Kemper FOIA Update - "constitutions the thumb drive" vs the Google Share Drive

1 message

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Mon, Jul 27, 2015 at 9:06 AM

To: Daniel Largo <daniel.largo@bia.gov>

Cc: Jessica Rogers <jessica_rogers@ost.doi.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, James Porter <james.porter@sol.doi.gov>, Heather Garcia <heather.garcia@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Shyla Joe <shyla.joe@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good morning Mr. Largo:

All of the tribal constitution and tribal charters that were shared (sent out to the regions) on the Google drive **Are** separated by **Region**.

Although the copies are outdated material, that is everything this office has.

According to a few of emails that cc'd our office, the majority of the Regions have reviewed what was on the Google drive and **"added what they had that wasn't already there"**. They provided input on what shouldn't be there, and those documents were removed.

If you review the Google share drive I sent you, you can see which Regions added to the share drive. A few of the Regions have sent there Constitutions directly to your office, and those are the ones that **are not** updated on the Google Drive.

As of Friday 7/26/15 5:00 PM:

Alaska is Completed Eastern Oklahoma is Completed Eastern Region, I called Becky on Friday, she is working on theirs Great Plains Region is Completed - they Fed Ex'd their to you Midwest Region is Completed - they wanted 1 document removed Navajo Region - No response Northwest Region - I called Greg Norton on Friday, he requested clarification, they are working on theirs Pacific Region, Harley Long stated by email to remove several documents and he is working on theirs Rocky Mountain Region is Completed Southem Plains Region, per email, Andrea is working on theirs Southwest Region is completed - Nothing was added Western Region - I called them, Sophia is working on theirs

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.



WHW: 7/27/15 Kemper FOIA Submissions

1 message

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Mon, Jul 27, To: Jessica Rogers <jessica_rogers@ost.doi.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good afternoon Jessica:

We are getting ready to send an (Update request) email to the Regions who have not submitted tribal constitutions yet, but first I want to check to see "just in case" if any of the following Regions have already submitted their constitutions to your office already, and have not notified or cc'd OIS, so we don't have to ask the again:

Eastern Region Navajo Region Northwest Region Pacific Region Southern Plains Region Western Region

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. Mon, Jul 27, 2015 at 12:29 PM



Per Midwest Region: This document (White Earth Constitution) is to be removed from the "non-responsive Kemper FOIA" documents 8 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Fri, Jul 24, 2015 at 5:34 PM

To: Jessica Rogers <jessica_rogers@ost.doi.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, James Porter <james.porter@sol.doi.gov>

Cc: Daniel Largo <daniel.largo@bia.gov>, Heather Garcia <heather.garcia@bia.gov>, Spike Bighom <spike.bighom@bia.gov>, "Mr. Wakin'yan Howa`ste"' <Wakinyan.howaste@bia.gov>

Good afternoon:

I have removed this document from the Google Drive per Midwest Regions request.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

White Earth Constitution.pdf
 1835K

Largo, Daniel <daniel.largo@bia.gov>

Sun, Jul 26, 2015 at 2:08 PM

To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Jessica Rogers <jessica_rogers@ost.doi.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, James Porter <james.porter@sol.doi.gov>, Heather Garcia <heather.garcia@bia.gov>, Spike Bighom <spike.bighom@bia.gov>

Wakinyan

When you have some time on Monday, can you please come down and can we discuss? The responsive material that you provided to us on the thumb drive appears to not be what is needed. Before we should begin reviewing the responsive records, your office should provide us the correct version of all the constitutions so that we can review the material before our deadline, August 3rd. We intend to send out the first partial release by this Friday.

Thank you,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov Largo, Daniel <daniel.largo@bia.gov>

Sun, Jul 26, 2015 at 2:16 PM

To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov> Cc: Jessica Rogers <jessica rogers@ost.doi.gov>, Spike Bighorn <spike.bighorn@bia.gov>

Wakinya and Laurel:

Can we meet on Monday, say at 9 a.m. or after 3 p.m. on Monday? The responsive records seems to be very confusing of us being included on the emails coming in from the regions. I think it would be best if we can discuss this on Monday. We would appreciate it if you can segregate the material before sending this to us. Let us discuss this further before we can proceed forward.

Thank you,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street. NW. MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 202-208-6597 (Fax) E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> Mon, Jul 27, 2015 at 9:46 AM To: "Largo, Daniel" <daniel.largo@bia.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Jessica Rogers <jessica rogers@ost.doi.gov>, Spike Bighom <spike.bighom@bia.gov>

Daniel.

How about 3:30 pm? [Quoted text hidden]

Laurel Iron Cloud, Chief **Division of Tribal Government Services** 1849 C Street NW MS 4513-MIB Washington, DC 20240 Phone: (202) 513-7626 Fax: (202) 219-1193

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Iron Cloud, Laurel" <laurel.ironcloud@bia.gov>

we already met this morning

Mon, Jul 27, 2015 at 9:57 AM

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

[Quoted text hidden]

Largo, Daniel <daniel.largo@bia.gov> Mon, Jul 27, 2015 at 10:38 AM To: "Iron Cloud, Laurel" <laurel.ironcloud@bia.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Jessica Rogers <jessica rogers@ost.doi.gov>, Spike Bighorn <spike.bighom@bia.gov>

Yes, 3:30 works. See you then,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 202-208-3135 (Main) (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

On Mon, Jul 27, 2015 at 9:46 AM, Iron Cloud, Laurel <laurel.ironcloud@bia.gov> wrote: [Quoted text hidden]

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> Mon, Jul 27, 2015 at 10:45 AM To: "Largo, Daniel" <daniel.largo@bia.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Jessica Rogers <jessica rogers@ost.doi.gov>, Spike Bighorn <spike.bighom@bia.gov>

Hey Daniel,

I just spoke with Wakinyan, who informed me that the wrinkles have been addressed already this moming so I deleted the meeting invitation. If there are additional issues, let me know and I can redo the meeting invite.

Laurel [Quoted text hidden]

Largo, Daniel <daniel.largo@bia.gov> To: "Iron Cloud, Laurel" <laurel.ironcloud@bia.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Spike Bighorn <spike.bighom@bia.gov>

Can we still discuss?

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer

Mon, Jul 27, 2015 at 12:38 PM



Spike: Can you to review this (Kemper FOIA Update) an email to send to the regions 2 messages

Howaste, Wakinvan <wakinvan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov>

Mon, Jul 27, 2015 at 12:32 PM

Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Spike, below ifs for your review: (unless you want to send it out?/ otherwise I can)

DRAFT/DRAFT:

""SUBJECT: 7/27/15 - *Update* - Tribal Constitutions Request KEMPER Civil Action No. 115-cv-00771 (APM) - "uploads to Google Drive"

Good morning Spike:

As of Monday 7/27/15, we are awaiting tribal/articles/codes constitutions from the following Regions:

*Eastern Region, Spoke Becky Smith on Friday 7/24 - work in progress (Please note which tribes in your region do not have a tribal constitution etc. available)

*Navajo Region - No response - Cheryl Curley please up load Navajo Nation Code

*Northwest Region- Spoke with Greg Norton on Friday 7/24 - requested clarification - work in progress

(Please note which tribes in your region do not have a tribal constitution etc. available)

*Pacific Region, Harley Long stated by email to remove several documents (Removed) - work in progress

(Please note which tribes in your region do not have a tribal constitution etc. available)

*Southern Plains Region, per email from Andrea Phillips - needed access - work in progress (Please note which tribes in your region do not have a tribal constitution etc. available)

*Western Region - Spoke with Sophia Friday 7/24 - work in progress (Please note which tribes in your region do not have a tribal constitution etc. available)

Note to Regions;

Please advise if you have already submitted your tribal constitutions etc. to the FOIA Office (Jessica Rogers) or

if certain tribes/groups do not have a tribal constitution or article of constitution or governing documents or

if you want certain documents in the Google Drive removed.

Mr. Largo has advised we have a deadline of Friday July 31, 2015 - Thank you

As of Friday 7/24/15 5:00 PM:

Alaska - Completed - Dee Springer Eastern Oklahoma - Completed - Barbara Bush Great Plains Region - Completed - Fed Ex'd to FOIA office - Todd Gravelle Midwest Region - Completed - 1 document removed - Darren Smith

Spike Bighorn <spike.bighom@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Hi Wakinyan:

Will this go to the regions and FOiA office?

Looks good to me. If Laurel agrees go ahead and send it out.

Spike

Sent from my iPhone

> On Jul 27, 2015, at 12:33 PM, Howaste, Wakinyan <wakinyan.howaste@bia.gov> wrote:

> > Action No Mon, Jul 27, 2015 at 12:56 PM



Kemper FOIA "Discussion"

5 messages

Howaste, Wakinvan <wakinvan.howaste@bia.gov> To: Daniel Largo <daniel.largo@bia.gov>

Mon, Jul 27, 2015 at 12:50 PM

Cc: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Jessica Rogers

<jessica rogers@ost.doi.gov>, Shyla Joe <shyla.joe@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good afternoon Mr. Largo:

Spike will be in the office tomorrow, can schedule a meeting tomorrow?

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

Largo, Daniel <daniel.largo@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>. Shyla_Joe <shyla.joe@bia.gov>

Actually, if I could meet with Laurel on this, that will be great!

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 202-208-3135 (Main) (Direct) 202-208-5097 202-208-6597 (Fax) E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Joe, Shyla <shyla.joe@bia.gov>

Mon, Jul 27, 2015 at 12:55 PM

Mon, Jul 27, 2015 at 1:38 PM

To: "Largo, Daniel" <daniel.largo@bia.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>

Please let me know when to schedule the meeting I have to confirm the conference room for 3:30 or reschedule for tomorrow.

Thank You [Quoted text hidden] Shyla Joe, Tribal Relations Specialist

Bureau of Indian Affairs Division of Tribal Government Services 1849 C Street NW MS 4513-MIB Washington, DC 20240 Phone: (202) 513-0783 Fax: (202) 219-1193

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> To: "Joe, Shyla" <shyla.joe@bia.gov> Cc: "Largo, Daniel" <daniel.largo@bia.gov>, "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighom@bia.gov>, Jessica Rogers <jessica rogers@ost.doi.gov>

My schedule today is now really tight. Daniel, I just left you a message - would tomorrow at 9 am work?

Laurel [Quoted text hidden] Laurel Iron Cloud, Chief Division of Tribal Government Services 1849 C Street NW MS 4513-MIB Washington, DC 20240 Phone: (202) 513-7626 Fax: (202) 219-1193

Largo, Daniel <daniel.largo@bia.gov> To: "Iron Cloud, Laurel" <laurel.ironcloud@bia.gov> Cc: "Joe, Shyla" <shyla.joe@bia.gov>, "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighom@bia.gov>, Jessica Rogers <jessica rogers@ost.doi.gov>

Sorry, Liust returned from a prior meeting. Tomorrow is fine. Thanks!

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Mon, Jul 27, 2015 at 2:11 PM

Mon, Jul 27, 2015 at 1:48 PM



7/28/15 Reply to: Re: 7/27/15 - 430 PM EST *Update* - Tribal Constitutions Request KEMPER Civil Action No. 115-cv-00771 (APM) - "uploads to Google Drive"

1 message

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Tue, Jul 28, 2015 at 7:52 AM

To: "Smith, Becky" <becky.smith@bia.gov>, Cheryl Curley <cheryl.curley@bia.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Jessica Rogers <jessica rogers@ost.doi.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Shyla Joe <shyla.joe@bia.gov>, "Mr. Wakin'yan Howa`ste''' <Wakinyan.howaste@bia.gov>

Good morning:

Thank you Cheryl - I apologize, we were not aware you had responded.

You wouldn't happen to have a copy of the "Navajo Nation Code, Title II" on hand would you? - Thank you.

Thank you Becky: Becky can you possibly cc' me(?) and I will up load them.

Or, if you have about 4.5 minutes I can walk you through the process. Thank you.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

On Mon, Jul 27, 2015 at 6:27 PM, Smith, Becky <becky.smith@bia.gov> wrote: I have been sending mine to Jessica Rogers, via email, I do not know how to upload to Google Drive.

I will finish sending mine to Jessica hopefully tomorrow.

On Mon, Jul 27, 2015 at 3:41 PM, Howaste, Wakinyan <wakinyan.howaste@bia.gov> wrote: Good afternoon:

This is a Follow-up to Spike Bighorns July 17, 2015, email (below) on behalf of Mike Smith and Hankie P. Ortiz. _____

As of Monday 7/27/15, 430 EST, we are awaiting tribal constitutions from the following Regions:

*Eastern Region, Spoke Becky Smith on Friday 7/24 - work in progress (If you have not already submitted your responsive documents, please upload to the Google Share Drive invite sent to you and note which tribes were not available)

*Navajo Region - No response - Cheryl Curley - Please up load Navajo Nation Code

*Northwest Region- Spoke with Greg Norton on Friday 7/24 - requested clarification (provided) - work in progress

(If you have not already submitted your responsive documents, please upload to the Google Share Drive invite sent to you and note which tribes were not available)

*Pacific Region - Harley Long stated by July 17, 2015, email to remove several documents (Removed) - work in progress

(If you have not already submitted your responsive documents, please upload to the Google Share Drive invite sent to you and note which tribes were not available)

*Southern Plains Region, per July 21, 2015, email from Andrea Phillips - needed access (provided) - work in progress

(If you have not already submitted your responsive documents, please upload to the Google Share Drive invite sent to you and note which tribes were not available)

*Western Region - Spoke with Sophia Torres Friday 7/24/15 - work in progress (If you have not already submitted your responsive documents, please upload to the Google Share Drive invite sent to you and note which tribes were not available)

Note;

Please advise if you have already submitted your tribal constitutions or not, or if you want certain documents already in the Google Drive removed. Mr. Largo has advised we have a deadline of **Friday July 31, 2015** - Thank you

As of Friday 7/24/15 5:00 PM:

Alaska - Completed - Dee Springer Eastern Oklahoma - Completed - Barbara Bush Great Plains Region - Completed - Fed Ex'd to FOIA office - Todd Gravelle Midwest Region - Completed - 1 document removed - Darren Smith Rocky Mountain Region - Completed - Jo-Ellen Cree Southwest Region - Completed - Nothing was added - Patricia Matingly

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.



Kemper FOIA - Eastern Region Tribal Constitutions (etc.) - Thank you Becky!

2 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Tue, Jul 28, 2015 at 10:20 AM

To: Becky Smith <becky.smith@bia.gov>

Cc: Daniel Largo <daniel.largo@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Thank you for re-sending the tribal constitutions....

I certainly appreciate that, I hope the rest of your day is .. wonderful! :}

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

Smith, Becky <becky.smith@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Tue, Jul 28, 2015 at 10:24 AM

I will will be looking at the remaining seven Tribes shortly and send the Constitutions or Charters if we have them, if not I will let you know. [Quoted text hidden] -Becky J. Smith Tribal Relations Specialist Eastern Regional Office 545 Marriott Drive, Suite 700 Nashville, TN 37214 Desk Phone: 615-564-6711 Fax: 615-564-6917



NW Added Constitutions - Invitation to collaborate

2 messages

wakinyan.howaste@bia.gov <wakinyan.howaste@bia.gov> Wed, Jul 29, 2015 at 10:20 AM To: daniel.largo@bia.gov, jessica_rogers@ost.doi.gov, spike.bighom@bia.gov, laurel.ironcloud@bia.gov, shyla.joe@bia.gov, wakinyan.howaste@bia.gov, greg.norton@bia.gov

wakinyan.howaste@bia.gov has invited you to contribute to the following shared folder:





7/28/15 (Per Greg Norton, NWR Tribal Government Specialist) - ""Northwest Region completed our upload of all current Northwest tribal constitutions and (where applicable) bylaws and amendments in the folder you provided. Please use these as I've confirmed that they are current; I can't guarantee the ones you already have are current. Also included in the folder is an explanatory spreadsheet."" File Name: BIA-2015 00421 Kemper Inventory NW Region.xlsx

7/29/15 - Although the previous submitted constitutions are older versions "not verified as current" you may release them, or not. - wakinyan howaste - ois coordinator

Cipen

This is a courtesy copy of an email for your record only. It's not the same email your collaborators received. Click here to learn more.



 Wakinyan Howaste (via Google Drive) <drive-shares-noreply@google.com>
 Wed, Jul 29, 2015 at 10:20 AM

 Reply-To: Wakinyan Howaste <wakinyan.howaste@bia.gov>
 To: wakinyan.howaste@bia.gov

 To: wakinyan.howaste@bia.gov
 Cc: daniel.largo@bia.gov, jessica_rogers@ost.doi.gov, spike.bighom@bia.gov, laurel.ironcloud@bia.gov, shyla.joe@bia.gov, greg.norton@bia.gov

wakinyan.howaste@bia.gov has invited you to contribute to the following shared folder:



(Asea

Google Drive: Have all your files within reach from any device.

Logo for Google Drive



Tribal Constitutions Request-Kemper Civil Action No. 115-cv-0071

2 messages

Torres, Sophia <sophia.torres@bia.gov>

Thu, Jul 30, 2015 at 4:29 PM

To: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Jessica Rogers <jessica_rogers@ost.doi.gov> Cc: Sharlot Johnson <sharlot.johnson@bia.gov>, Laurel Iron Cloud <laurel.ironCloud@bia.gov>, Shyla Joe <Shyla.Joe@bia.gov>, Carolyn Richards <carolyn.richards@bia.gov>, Bryan Bowker <bryan.bowker@bia.gov>

Good afternoon,

I have used the google drive provided by Wankinyan Howaste and uploaded the missing constitutions (20 in all) that were not located in your records for the FOIA request. All except for Skull Valley because they do not have a constitution. If you have any questions, please don't hesitate to ask. Thank you.

Sophia Torres

Sophia J. Torres, Tribal Operations Specialist Bureau of Indian Affairs, Western Regional Office Tribal Government Services 2600 N. Central Avenue, 13th Floor, Room 120 Phoenix, AZ 85004 Phone: (602) 379-6786 ext. 1309 Fax: (602) 379-4100

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Thu, Jul 30, 2015 at 4:41 PM

To: "Torres, Sophia" <sophia.torres@bia.gov> Cc: Sharlot Johnson <sharlot.johnson@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Shyla Joe <Shyla.Joe@bia.gov>, Carolyn Richards <carolyn.richards@bia.gov>, Bryan Bowker <bryan.bowker@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good afternoon:

Thank you Sophia -

We appreciate your diligence in helping us to get this FOIA Appeal taken care of. You assistance is appreciated.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]



Fwd: Kemper v. Department of Interior, No. 1:15-cv-00771

3 messages

Largo, Daniel <daniel.largo@bia.gov>

Tue, Dec 1, 2015 at 7:57 AM

To: Heather Garcia <heather.garcia@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov> Cc: Kelly Meacham <kelly.meacham@bia.gov>, Jessica Rogers <Jessica.Rogers@bia.gov>

Heather:

Can you also get this going for Indian Services? I will send you the format that we should use from an earlier declaration. After you complete the draft, can you also send this to Wakinyan for his input?

Wakinyan:

It appears we can have to provide a declaration for the courts on the FOIA lawsuit filed by Kevin Kemper requesting for the governing documents on all Indian Tribes. Heather will provide a draft of the declaration, can you take a look at it and provide your feed back? Right now, I am currently teleworking from New Mexico and will return on Monday and if you could send it me by then?

Thanks!

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

------ Forwarded message ------From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov> Date: Fri, Nov 27, 2015 at 8:29 AM Subject: Re: Kemper v. Department of Interior, No. 1:15-cv-00771 To: "Truong, John (USADC)" <John.Truong@usdoj.gov> Cc: Daniel Largo <daniel.largo@bia.gov>

Hi John,

This is what BIA has produced after searching the relevant offices. Daniel Largo, the BIA FOIA officer can provide a declaration concerning the scope of the search, and its reasonableness, but if they don't have it to produce... I am jammed full with litigation between now and the 20th, when I will be out of office for at least 10 days, but will check in with Daniel about putting together a declaration concerning the search, and confirming that BIA FOIA has searched all relevant files and that this is what they have come up with.

I will go back to the release and check the redactions. As I recall it was only one document and it was personal information about several individual tribal members.

Thanks,

Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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On 25 November 2015 at 18:47, Truong, John (USADC) <John.Truong@usdoj.gov> wrote: See below.

John C. Truong Assistant U.S. Attorney 202-252-2524 (w) 202-815-8958 (c)

Begin forwarded message:

From: Matthew E Kelley <MEkelley@lskslaw.com<mailto:MEkelley@lskslaw.com>> Date: November 25, 2015 at 4:30:47 PM EST To: "John.Truong@usdoj.gov<mailto:John.Truong@usdoj.gov>" <John.Truong@usdoj.gov<mailto: John.Truong@usdoj.gov>> Subjec1: Kemper v. Department of Interior, No. 1:15-cv-00771

Hello John,

As we discussed on the phone this afternoon, below is a list of those tribes whose available constitutions were not produced, whose constitutions were produced in amended form without including prior versions, and those whose produced constitutions were incomplete. I'm also including a list of the 232 tribes for whom we did not receive a constitution or articles of incorporation.

One additional question: Can you confirm that the only constitution with portions redacted was the Hopi constitution? And could you let us know precisely what type of information was redacted?

We consent to a 45-day extension to continue our work toward concluding this litigation.

Happy Holidays,

Matt

Missing from BIA productions:

Constitutions that have not been produced: 7 tribes

- · Cherokee Nation (Oklahoma): 2003 constitution
- · Choctaw Nation: Constitutions of 1979; 1894; 1860; 1857; 1847; 1838
- Lac du Flambeau Band of Lake Superior Chippewa Indians: 1936 constitution
- · Cheyenne and Arapaho Tribes of Oklahoma: Current constitution
- Sac and Fox Nation of Oklahoma: 1937 constitution
- · Pueblo of Laguna: 1908 and 1949 constitutions

Southern Ute Indian Tribe: 1936 constitution Constitutions produced with amendments incorporated; original version not produced: 6

- · Kickapoo Tribe (Kansas): 1937 constitution
- Muckelshoot Indian Tribe: 1936 constitution
- Puyallup Tribe: 1936 constitution
- · Tulalip Tribes: 1936 constitution
- · Fort Belknap Indian Community: 1936 Constitution

Sac and Fox Nation of Missouri in Kansas and Nebraska: 1937 constitution Constitutions with portions missing: 4

- Miami Tribe of Oklahoma: Final two articles and certificate of adoption of 1995 constitution
- Confederated Tribes of the Umatilla Indian Reservation: 2011 Amendment XIV
- · Otoe-Missouria Tribe of Indians: 2009 amendment
- · Sac and Fox Nation of Oklahoma: Amendments II, IV, V, VI
- 232 Tribes for which no constitutions or articles of incorporation have been produced:

Tribe Name

Region

Agdaagux Tribe of King Cove

Alaska

Akiachak Native Community

Alaska

Akiak Native Community

Alaska

Alatna Village

Alaska

Algaaciq Native Village (St. Mary's)

Alaska

Allakaket Village

Alaska

Angoon Community Association

Alaska

Arctic Village (See Native Village of Venetie Tribal Government)

Alaska

Asa'carsarmiut Tribe		
Alaska		
Atqasuk Village (Atkasook)		
Alaska		
Beaver Village		
Alaska		
Birch Creek Tribe		
Alaska		
Central Council of the Tlingit & Haida Indian Tribes		
Alaska		
Chalkyitsik Village		
Alaska		
Cheesh-Na Tribe (previously listed as the Native Village of Chistochina)		
Alaska		
Chevak Native Village		
Alaska		
Chickaloon Native Village		
Alaska		
Chignik Bay Tribal Council (previously listed as the Native Village of Chignik)		
Alaska		
Chignik Lake Village		
Alaska		
Chilkat Indian Village (Klukwan)		
Alaska		
Chilkoot Indian Association (Haines)		
Alaska		
Chinik Eskimo Community (Golovin)		
Alaska		
Chuloonawick Native Village		
Alaska		
Craig Tribal Association (previously listed as the Craig Community Association)		

•

Alaska

Eklutna Native VillageEmmonak Village

Alaska

Galena Village (aka Louden Village)

Alaska

Gulkana Village

Alaska

Healy Lake Village

Alaska

Holy Cross Village

Alaska

Hoonah Indian Association

Alaska

Hughes Village

Alaska

Huslia Village

Alaska

Hydaburg Cooperative Association

Alaska

Igiugig Village

Alaska

Inupiat Community of the Arctic Slope

Alaska

Iqurmuit Traditional Council

Alaska

Ivanoff Bay Village

Alaska

Kaguyak Village

Alaska

Kasigluk Traditional Elders Council

Alaska
Kenaitze Indian Tribe

Alaska

Ketchikan Indian Corporation

Alaska

King Island Native Community

Alaska

Knik Tribe

Alaska

Kokhanok Village

Alaska

Lime Village

Alaska

Manley Hot Springs Village

Alaska

Manokotak Village

Alaska

McGrath Native Village

Alaska

Mentasta Traditional Council

Alaska

Naknek Native Village

Alaska

Native Village of Afognak

Alaska

Native Village of Akhiok

Alaska

Native Village of Akutan

Alaska

Native Village of Aleknagik

Alaska

Native Village of Ambler

Native Village of Atka

Alaska

Native Village of Barrow Inupiat Traditional Government

Alaska

Native Village of Belkofski

Alaska

Native Village of Brevig Mission

Alaska

Native Village of Buckland

Alaska

Native Village of Cantwell

Alaska

Native Village of Chenega (aka Chanega)

Alaska

Native Village of Chignik Lagoon

Alaska

Native Village of Chitina

Alaska

Native Village of Council

Alaska

Native Village of Eek

Alaska

Native Village of Ekuk

Alaska

Native Village of Ekwok (previously listed as Ekwok Village)

Alaska

Native Village of Fort Yukon

Alaska

Native Village of Gakona

Native Village of Gambell

Alaska

Native Village of Goodnews Bay

Alaska

Native Village of Hamilton

Alaska

Native Village of Hooper Bay

Alaska

Native Village of Kanatak

Alaska

Native Village of Karluk

Alaska

Native Village of Kipnuk

Alaska

Native Village of Kivalina

Alaska

Native Village of Kongiganak

Alaska

Native Village of Kotzebue

Alaska

Native Village of Koyuk

Alaska

Native Village of Kwigillingok

Alaska

Native Village of Kwinhagak (aka Quinhagak)

Alaska

Native Village of Larsen Bay

Alaska

Native Village of Marshall (aka Fortuna Ledge)

Alaska

Native Village of Mekoryuk

Native Village of Minto

Alaska

Native Village of Nanwalek (aka English Bay)

Alaska

Native Village of Napaimute

Alaska

Native Village of Napakiak

Alaska

Native Village of Napaskiak

Alaska

Native Village of Nelson Lagoon

Alaska

Native Village of Noatak

Alaska

Native Village of Nuiqsut (aka Nooiksut)

Alaska

Native Village of Nunam Iqua (previously listed as the Native Village of Sheldon's Point)

Alaska

Native Village of Nunapitchuk

Alaska

Native Village of Old Harbor (previously listed as Village of Old Harbor)

Alaska

Native Village of Ouzinkie

Alaska

Native Village of Paimiut

Alaska

Native Village of Perryville

Alaska

Native Village of Pitka's Point

Alaska

Native Village of Point Hope

Alaska

Native Village of Point Lay

Alaska

Native Village of Port Heiden

Alaska

Native Village of Saint Michael

Alaska

Native Village of Savoonga

Alaska

Native Village of Scammon Bay

Alaska

Native Village of Selawik

Alaska

Native Village of Shaktoolik

Alaska

Native Village of Shishmaref

Alaska

Native Village of Shungnak

Alaska

Native Village of Stevens

Alaska

Native Village of Tanacross

Alaska

Native Village of Tanana

Alaska

Native Village of Tatitlek

Alaska

Native Village of Tazlina

Alaska

Native Village of Tetlin

Alaska

Native Village of Tuntutuliak Alaska Native Village of Tununak Alaska Native Village of Tyonek Alaska Native Village of Unalakleet Alaska Native Village of Unga Alaska Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie) Alaska Native Village of Wales Alaska Native Village of White Mountain Alaska Nenana Native Association Alaska New Koliganek Village Council Alaska Newhalen Village Alaska Newtok Village Alaska Ninilchik Village Alaska Nome Eskimo Community Alaska Nondalton Village Alaska Noorvik Native Community

Alaska
Northway Village
Alaska
Nulato Village
Alaska
Nunakauyarmiut Tribe
Alaska
Organized Village of Grayling (aka Holikachuk)
Alaska
Organized Village of Kake
Alaska
Organized Village of Kasaan
Alaska
Organized Village of Kwethluk
Alaska
Organized Village of Saxman
Alaska
Alaska Orutsararmiut Traditional Native Council (previously listed as Orutsararmuit Native Village (aka Bethel))
Orutsararmiut Traditional Native Council (previously listed as Orutsararmuit Native Village (aka Bethel))
Orutsararmiut Traditional Native Council (previously listed as Orutsararmuit Native Village (aka Bethel)) Alaska
Orutsararmiut Traditional Native Council (previously listed as Orutsararmuit Native Village (aka Bethel)) Alaska Oscarville Traditional Village
Orutsararmiut Traditional Native Council (previously listed as Orutsararmuit Native Village (aka Bethel)) Alaska Oscarville Traditional Village Alaska
Orutsararmiut Traditional Native Council (previously listed as Orutsararmuit Native Village (aka Bethel)) Alaska Alaska Pauloff Harbor Village
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Orutsaramiut Traditional Native Council (previously listed as Orutsaramuit Native Village (aka Bethel))AlaskaOscarville Traditional VillageAlaskaPauloff Harbor VillageAlaskaPedro Bay VillageAlaskaPetersburg Indian Association
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Orutsaramiut Traditional Native Council (previously listed as Orutsaramuit Native Village (aka Bethel))AlaskaOscarville Traditional VillageAlaskaPauloff Harbor VillageAlaskaPedro Bay VillageAlaskaPetersburg Indian AssociationAlaskaPilot Station Traditional VillageAlaska

Qagan Tayagungin Tribe of Sand Point Village

Alaska

Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)

Alaska

Seldovia Village Tribe

Alaska

Shageluk Native Village

Alaska

Sitka Tribe of Alaska

Alaska

Skagway Village

Alaska

South Naknek Village

Alaska

Stebbins Community Association

Alaska

Sun'aq Tribe of Kodiak (previously listed as the Shoonaq' Tribe of Kodiak)

Alaska

Takotna Village

Alaska

Tangimaq Native Village (formerly Lesnoi Village (aka Woody Island))

Alaska

Telida Village

Alaska

Traditional Village of Togiak

Alaska

Tuluksak Native Community

Alaska

Twin Hills Village

Alaska

Ugashik Village

Alaska

Umkumiut Native Village (previously listed as Umkumiute Native Village)

Alaska

Village of Alakanuk

Alaska

Village of Anaktuvuk Pass

Alaska

Village of Aniak

Alaska

Village of Atmautluak

Alaska

Village of Bill Moore's Slough

Alaska

Village of Chefornak

Alaska

Village of Clarks Point

Alaska

Village of Dot Lake

Alaska

Village of Iliamna

Alaska

Village of Kalskag

Alaska

Village of Kotlik

Alaska

Village of Lower Kalskag

Alaska

Village of Old Harbor

Alaska

Village of Red Devil

Village of Salamatoff

Alaska

Village of Sleetmute

Alaska

Village of Solomon

Alaska

Village of Stony River

Alaska

Village of Venetie (See Native Village of Venetie Tribal Government)

Alaska

Village of Wainwright

Alaska

Yakutat Tlingit Tribe

Alaska

Yupiit of Andreafski

Alaska

Cayuga Nation

Eastern

Coushatta Tribe of Louisiana

Eastern

Houlton Band of Maliseet Indians

Eastern

Oneida Nation of New York

Eastern

Onondaga Nation

Eastern

Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York)

Eastem

Tuscarora Nation

Eastern

Kiowa Indian Tribe of Oklahoma

Great Plains

Turtle Mountain Band of Chippewa Indians of North Dakota

Great Plains

Augustine Band of Cahuilla Indians, California (previously listed as the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation)

Pacific

Berry Creek Rancheria of Maidu Indians of California

Pacific

Big Pine Paiute Tribe of the Owens Valley (previously listed as the Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California)

Pacific

Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California)

Pacific

Big Valley Band of Pomo Indians of the Big Valley Rancheria, California

Pacific

Bishop Paiute Tribe (previously listed as the Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California)

Pacific

Buena Vista Rancheria of Me-Wuk Indians of California

Pacific

Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California

Pacific

California Valley Miwok Tribe, California

Pacific

Chicken Ranch Rancheria of Me-Wuk Indians of California

Pacific

Cloverdale Rancheria of Pomo Indians of California

Pacific

Cold Springs Rancheria of Mono Indians of California

Pacific

Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California

Pacific

Lone Pine Paiute-Shoshone Tribe (previously listed as the Paiute- Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California)

Pacific

Los Coyotes Band of Cahuilla and Cupeno Indians, California (previously listed as the Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation)

Pacific

Morongo Band of Mission Indians, California (previously listed as the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation)

Pacific

Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California

Pacific

Ramona Band of Cahuilla, California (previously listed as the Ramona Band or Village of Cahuilla Mission Indians of California)

Pacific

Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo)

Southwest

Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan)

Southwest

Pueblo of Acoma, New Mexico

Southwest

Pueblo of Cochiti, New Mexico

Southwest

Pueblo of Jemez, New Mexico

Southwest

Pueblo of Nambe, New Mexico

Southwest

Pueblo of Picuris, New Mexico

Southwest

Pueblo of Pojoaque, New Mexico

Southwest

Pueblo of San Felipe, New Mexico

Southwest

Pueblo of San Ildefonso, New Mexico

Southwest

Pueblo of Sandia, New Mexico

Southwest

Pueblo of Santa Ana, New Mexico

Southwest

Pueblo of Taos, New Mexico

Southwest

Pueblo of Tesugue, New Mexico

Southwest

Pueblo of Zia, New Mexico

Southwest

Ysleta del Sur Pueblo (previously listed as the Ysleta Del Sur Pueblo of Texas)

Southwest

Skull Valley Band of Goshute Indians of Utah

Western

Matthew Kelley [logo] 1899 L Street NW Suite 200 Washington, DC 20036 (202) 508-1112 | Phone (202) 861-9888 | Fax www.lskslaw.com<http://www.lskslaw.com/>

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov> Cc: Daniel Largo <daniel.largo@bia.gov>, Heather Garcia <heather.garcia@bia.gov>, Kelly Meacham <kelly.meacham@bia.gov>

Good morning Laurel:

Per Daniel, his office is preparing a "declaration for the court". Heather should be sending us the draft of the declaration for review.

Tue, Dec 1, 2015 at 8:33 AM

I am not sure if the Regions will need to have a reply or input on this or not, but it appears there may still be questions regarding "...those tribes whose available constitutions were not produced, whose constitutions were produced in amended form without including prior versions, and those whose produced constitutions were incomplete... (comments by Mathew E. Kelly)"

See the list and comments below.

Mr. Wakin'yan Howa'ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640 [Quoted text hidden]

Largo, Daniel <daniel.largo@bia.gov>

Wed, Dec 2, 2015 at 12:41 PM

To: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Shyla Joe <shyla.joe@bia.gov> Cc: Jessica Rogers <Jessica.Rogers@bia.gov>, Heather Garcia <heather.garcia@bia.gov>

Good afternoon, Indian Services:

Can you provide the information requested by Jennifer? I believe we will need this information before the Attorney files the extension, so this information is needed as soon as possible.

"Can you provide me with a brief summary of the search-just a paragraph saying which HQ and regional offices searched, titles of those who searched, and anything about how they searched- by keyword? by tribe? Can you or your BIA contacts think of anywhere else in BIA or elsewhere in DOI where responsive documents might reasonably reside? I am going to check with SOL/DIA because it sounds like they may potentially have copies of some tribal constitutions, though maybe just the same ones BIA has already produced?"

Thank you,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

------ Forwarded message ------From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov> Date: Wed, Dec 2, 2015 at 10:37 AM Subject: Re: Kemper v. Department of Interior, No. 1:15-cv-00771 To: "Largo, Daniel" <daniel.largo@bia.gov>

Hi Daniel,

I have talked to John today. He is drafting a 45 day extension to answer. I confirmed the redactions based on your release letter, but if you have more to add, please let me know.

Meanwhile, it looks like plaintiff is not satisfied with the search. Can you provide me with a brief summary of the searchjust a paragraph saying which HQ and regional offices searched, titles of those who searched, and anything about how they searched- by keyword? by tribe?

Can you or your BIA contacts think of anywhere else in BIA or elsewhere in DOI where responsive documents might reasonably reside? I am going to check with SOL/DIA because it sounds like they may potentially have copies of some tribal constitutions, though maybe just the same ones BIA has already produced? Any thoughts appreciated.

Thanks, Jennifer

Jennifer A. Heindl

Attomey Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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On 2 December 2015 at 12:17, Largo, Daniel <daniel.largo@bia.gov> wrote: Jennifer: Not sure if you are going to call John or should I?

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

------ Forwarded message ------From: **Truong**, **John (USADC)** <John.Truong@usdoj.gov> Date: Wed, Dec 2, 2015 at 9:48 AM Subject: RE: Kemper v. Department of Interior, No. 1:15-cv-00771 To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov> Cc: Daniel Largo <daniel.largo@bia.gov>

Jennifer/Largo:

Please call me to talk. Plaintiff has consented to a 45 day extension of time and I want to talk to you before filing the extension motion.

Thank you,

John

John C. Truong

Assistant United States Attorney

555 Fourth Street, N.W.

Washington, D.C. 20530

(202) 252-2524

(202) 815-8958 (office cell)

john.truong@usdoj.gov

From: Heindl, Jennifer [mailto:jennifer.heindl@sol.doi.gov]
Sent: Friday, November 27, 2015 10:30 AM
To: Truong, John (USADC)
Cc: Daniel Largo
Subject: Re: Kemper v. Department of Interior, No. 1:15-cv-00771

Hi John,

[Quoted text hidden] [Quoted text hidden]



Draft response to Daniel "Kemper v. Department of Interior, No. 1:15-cv-00771" inquiry

8 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Spike Bighom <spike.bighom@bia.gov> Cc: "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov> Wed, Dec 2, 2015 at 1:07 PM

Daniel wrote "Good afternoon, Indian Services:

Can you provide the information requested by Jennifer? I believe we will need this information before the Attorney files the extension, so this information is needed as soon as possible.

"Can you provide me with a brief summary of the search-just a paragraph saying which HQ and regional offices searched, titles of those who searched, and anything about how they searched- by keyword? by tribe? Can you or your BIA contacts think of anywhere else in BIA or elsewhere in DOI where responsive documents might reasonably reside? I am going to check with SOL/DIA because it sounds like they may potentially have copies of some tribal constitutions, though maybe just the same ones BIA has already produced?"

Thank you,

Respectfully,

Daniel Largo, Jr."

Please review and edit

Our Reply????

At the Office of Indian Services - Central Office (only) we searched "tribal+constitution+charters" in our K: Share drive which resulted "K:\OIS\Division of Tribal Government Services IARS 3700\Previous Folders\De-Springer\Tribal Constitutions-BY-Region" where a small a number copies of older outdated tribal constitutions and charters that did not originate from Central Office but were submitted to Central Office from the BIA Region Offices and compiled by a former employee of OIS in 2013. When we sent the list out to the Regions for a review the majority of the constitutions were confirmed to be old or outdated and had been replaced or updated and maintained at the BIA Region offices. It was then revealed by the SME's at the Regions that some tribes did not ever submit charters or constitutions to the BIA Regions. The Regions that maintain these documents would have to submit their search/target processes.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Spike Bighom <spike.bighom@bia.gov> Wed, Dec 2, 2015 at 1:29 PM

Your response is way more detailed than what I was thinking. -

"The Office of Indian Services worked with the Tribal Government services personnel in each region to search for all tribal constitutions. The Tribal Government officers in each region searched their records by tribe. In central office the secretary for the Division of Tribal Government Services and the Office of Indian Services FOIA officer searched central office records by tribe."

[Quoted text hidden]

Laurel Iron Cloud, Chief Division of Tribal Government Services 1849 C Street NW MS 4513-MIB Washington, DC 20240 Phone: (202) 513-7626 Fax: (202) 219-1193

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov> Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov> Wed, Dec 2, 2015 at 1:34 PM

Okay Laurel that sounds way better then mine.

Spike, would you care to weigh in?

.



Time Sensitive: Kemper v. Department of Interior, No. 1:15-cv-00771-Search Narrative

2 messages

Rogers, Jessica <jessica.rogers@bia.gov> Thu, Dec 3, 2015 at 11:30 AM To: Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov> Cc: Kelly Meacham <kelly.meacham@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Heather Garcia <heather.garcia@bia.gov>

Good morning, All:

Just following up on the briefing of the search requested by the SOL on behalf of the plaintiff. We will need a brief paragraph describing how HQ and regional offices searched, the titles of those who searched, and anything about how they searched- the files searched and state they type of search (manual, automated).

Additionally, could you or your BIA contacts think of anywhere else in BIA or elsewhere in DOI where responsive documents might reasonably reside? Jennifer will with check with SOL/DIA because it sounds like they may potentially have copies of some tribal constitutions, though maybe just the same ones BIA has already produced.

Kind regards,

Jessica R. Rogers Government Information Specialist U.S. Department of the Interior Assistant Secretary - Indian Affairs Freedom of Information Act Office 1849 C Street, NW, MS-3070-MIB Washington, DC 20240 Direct | 202.208.4223 Main | 202.208.3135 Fax | 202.208.6597

Bighorn, Spike <spike.bighom@bia.gov> To: "Rogers, Jessica" <jessica.rogers@bia.gov> Cc; Laurel Iron Cloud <laurel.ironcloud@bia.gov>. Wakinyan Howaste <wakinyan.howaste@bia.gov>. Kelly Meacham <kelly.meacham@bia.gov>, Daniel Largo <daniel.largo@bia.gov>, Heather Garcia <heather.garcia@bia.gov>

Good afternoon Jessica:

Daniel just visited with Wakinyan a moment ago, and there seems to be some confusion on whether or not you received our response to your request. Laurel is at an off site meeting this week, however she did indicate to me last week that she forwarded our response.

In the event you didn't receive Laurel's response, here it is:

"The Office of Indian Services worked with the Tribal Government services personnel in each region to search for all tribal constitutions. The Tribal Government officers in each region searched their records by tribe. In central office the secretary for the Division of Tribal Government Services and the Office of Indian Services FOIA officer searched central office records by tribe. Both automated and manual searches were conducted."

Let me know if you have any further questions.

Tue, Dec 8, 2015 at 1:33 PM

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighom@bia.gov [Quoted text hidden]



Fwd: FW: NEW FOIA Appeal Filed by Matthew Kelly (No. 2016-021)

4 messages

Bighorn, Spike <spike.bighom@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov> Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Hi Wakinyan:

As we discussed. How would you recommend we proceed to meet Mr. Bruner's request?

Laurel: Thoughts?

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighom@bia.gov

------ Forwarded message ------From: Bruner, Terrence <terrence.bruner@bia.gov> Date: Wed, Jan 20, 2016 at 1:42 PM Subject: Fwd: FW: NEW FOIA Appeal Filed by Matthew Kelly (No. 2016-021) To: Hankie Ortiz <hankie.ortiz@bia.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>

Please have your staff respond to the agency on this urgent FOIA, even if a negative response. --------- Forwarded message --------From: Bonnie Aitson <bonnie.aitson@bia.gov> Date: Wed, Jan 20, 2016 at 10:53 AM Subject: FW: NEW FOIA Appeal Filed by Matthew Kelly (No. 2016-021) To: Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Sherry Lovin <sherry.lovin@bia.gov> Cc: Rose Roberson <rose.roberson@bia.gov>, katecia.bottom@bia.gov, Leslie Borden <leslie.borden@bia.gov>, Kristin Roberson <kristin.roberson@bia.gov>, Terrence Bruner <Terry.Bruner@bia.gov>

Good morning,

The attached appeal requests us to search the Southern Plains Region and the BIA in Washington DC. Would you provide a timeframe for locating the below documents? Thank you for your assistance. Wed, Jan 20, 2016 at 2:54 PM

1. An order dated March 13, 1970, by the Commissioner of Indian Affairs that

authorized a tribal election about the [Kiowa] Constitutions. This is referenced at

the end of the 1970 and 1985 versions of the Kiowa Constitution.

2. In the "Certificate of Results of Election" in 1985, there is reference [to] an order

by William Ragsdale involving amendments to the Kiowa Constitution. Provide

this Order.

3. Any other related orders.

4. Any other communications between the tribe through the business committee or

chairman and the BIA when the Tribe first adopted the Constitution in 1970.

Bonnie Aitson

Administrative Officer

Anadarko Agency

405 247-6677, extension 504

From: Largo, Daniel [mailto:daniel.largo@bia.gov] Sent: Tuesday, January 12, 2016 10:45 AM To: Kristin Roberson; Leslie Borden; Bonnie Aitson Cc: Rose Roberson; Kelly Meacham Subject: Fwd: NEW FOIA Appeal Filed by Matthew Kelly (No. 2016-021)

Good morning, Southern Plains and Anadarko Agency:

Attached, please find a FOIA Appeal routing slip issued by the FOIA Appeals Officer. She is requesting the following:

Please provide the Department with the following information in items 1 and 2 related to the BIA's determination that it did not locate any responsive documents: 1) All of the following information describing



Fwd: Kemper v. BIA

7 messages

Largo, Daniel <daniel.largo@bia.gov> To: Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov> Wed, Feb 3, 2016 at 3:11 PM

Good aftemoon, Hankie and Spike:

This is the case involving your office. Please let me know how you would like to proceed forward in settling the amount?

Thank you,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

----- Forwarded message ------From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov> Date: Wed, Feb 3, 2016 at 2:58 PM Subject: Kemper v. BIA To: Daniel Largo <daniel.largo@bia.gov>

Hi Daniel,

Plaintiff's counsel is claiming \$14,144 in costs and fees (so far, if we litigate further and lose, we will likely be on the hook for considerably more). I think this is excessive for a straightforward FOIA case that did not go beyond the complaint stage.

The AUSA thinks we can and should negotiate a settlement. I would like to allow the AUSA make an initial offer of not more than \$7,500 to settle the case. Can you please let me know as soon as possible whether you (or the relevant BIA decision-maker, if not you) are willing to approve such an initial offer? Happy to cliscuss.

Thanks, Jennifer

Jennifer A. Heindl

Attomey Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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Bighorn, Spike <spike.bighom@bia.gov>

To: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Hankie Ortiz <hankie.ortiz@bia.gov>

Wed, Feb 3, 2016 at 3:18 PM

Wakinyan:

What FOIA case is this?

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Bighorn, Spike" <spike.bighorn@bia.gov>

Hi Spike: This is the one who wanted every Tribal constitution...

Wed, Feb 3, 2016 at 3:25 PM

Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640 [Quoted text hidden]

Mr. Wakin'yan Howa'ste' (Lakota)

KEMPER FOIA BIA 2015_00421_Civil Action No. 115-cv-00771 (APM).pdf 3512K

Largo, Daniel <daniel.largo@bia.gov> To: Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov> Mon, Feb 8, 2016 at 11:00 AM

Good morning, Hankie and Spike: I was just doing a follow up to see how would you like to go forward on this?

Thanks,

Respectfully,

Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Tue, Feb 9, 2016 at 11:47 AM

 Spike Bighorn <spike.bighom@bia.gov>
 Tue, Feb

 To: Hankie Ortiz <hankie.ortiz@bia.gov>
 Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Hi Hankie:

I have visited with Wakinyan, Laurel, Daniel and Jennifer during the last two days on this issue.

Here is want Jennifer says is the essence of the recommendation to settle:

1. The BIA's initial response said we couldn't locate responsive records to accommodate the request. Mr. Kemper filed an appeal to this response with the FOI Appeals office (located in the SOL's office), but the appeal was never forwarded to OIS or addressed by the FOIA appeals office. When Mr. Kemper didn't receive a response to his appeal within 20 business days, as required by statute, he filed a complaint in DC District Court. After Mr. Kemper filed the complaint, Jennifer became involved, and that is the juncture where OIS was asked to work with the FOIA office to get the constitutions from the regional offices. The FOIA office was able to gather all the constitutions on file at the ROs, with the help of OIS, and subsequently provided Mr. Kemper a second submission of the representative records to accommodate his request. Mr. Kemper has accepted the second submission as being responsive to his request, but is still asking for attorney's fees, as he claims he had to sue to get the records he originally requested. Jennifer said, because the BIA was able to provide the records through a second submission, the BIA had such records in their possession and should've been able to provide them during the initial submission (and thereby avoid an appeal or complaint). Therefore, she, and the AUSA, are both of the opinion we would lose the case if it were litigated. She also went on to say they are recommending settlement negotiations do not exceed \$7500, as they believe Mr. Kemper's attorneys have greatly exaggerated their claim for \$14,000. She said Mr. Kemper's three page appeal, ten page complaint and associated costs don't align with a \$14,000 amount. For example, Mr. Kemper's attorneys are asking for the costs to review all the constitutions (about 20 hours of work), which we shouldn't be responsible for – therefore DOI plans to dispute this and other costs.

If you recall, the initial response we sent was only related to the records we thought we had at Central Office, and we said we didn't have these documents here. Jennifer said that isn't relevant, as the response is viewed as a response for the entire BIA, not just OIS.

Wakinyan interprets the regulations to state that we would be responsible to pay any costs of this settlement. However, he will confirm this today. I told Jennifer you were in Alaska this week, and that she might hear from you upon your return to discuss this further.

One thought – because we were never informed of the appeal, and if the final decision is made to authorize the AUSA to pursue a settlement, shouldn't the FOIA Appeals office bear some of the cost as well?

Please feel free to call me if you would like to discuss further.

Spike

From: Hankie Ortiz [mailto:hankie.ortiz@bia.gov] Sent: Tuesday, February 09, 2016 1:44 AM To: Bighorn, Spike Subject: Re: Kemper v. BIA

Hi Spike,

Did you talk to Daniel Largo? I see no reason to settle this case. Did he share any insight regarding the AUSA thought process on recommending settlement?

Hankie P. Ortiz

Deputy Bureau Director

Office of Indian Services

Bureau of Indian Affairs

1849 C. Street, NW

MS 4513-MIB

Washington, DC 20240

telephone: 202.513.7640

fax: 202.208.5113

Hankie.Ortiz@BIA.gov

On Feb 3, 2016, at 11:28 AM, Bighorn, Spike <spike.bighorn@bia.gov> wrote:

FYI.

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov

----- Forwarded message -----From: Howaste, Wakinyan <wakinyan.howaste@bia.gov> Date: Wed, Feb 3, 2016 at 3:25 PM Subject: Re: Kemper v. BIA To: "Bighom, Spike" <spike.bighorn@bia.gov>

Hi Spike: This is the one who wanted every Tribal constitution...

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

On Wed, Feb 3, 2016 at 3:18 PM, Bighorn, Spike <spike.bighorn@bia.gov> wrote:

Wakinyan:

What FOIA case is this?

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov ----- Forwarded message ------

From: Largo, Daniel <daniel.largo@bia.gov>

Date: Wed, Feb 3, 2016 at 3:11 PM

Subject: Fwd: Kemper v. BIA

To: Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighom <spike.bighom@bia.gov>

Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>

Good afternoon, Hankie and Spike:

[Quoted text hidden]

<KEMPER FOIA BIA 2015_00421_Civil Action No. 115-cv-00771 (APM).pdf>

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: daniel.largo@bia.gov

Your message

To: Howaste, Wakinyan Subject: Re: Kemper v. BIA Sent: 2/8/16, 11:00:21 AM EST

was read on 2/9/16, 12:30:04 PM EST

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov>

Good afternoon Spike: for "costs of the settlement"

"Department of Justice Guide to the Freedom of Information Act - Attorney Fees"

please see page 30, under "Calculations"

Calculations

As an initial matter, attorney fees and costs are no longer paid by the Claims and Judgment Fund of the United States Treasury.111 Pursuant to Section 4 of the OPEN Government Act of 2007, FOIA attorney fees and costs are now paid directly by the agency, using funds "annually appropriated for any authorized purpose."112

If a court decides to make a fee award — either interim or otherwise — its next task is

Tue, Feb 9, 2016 at 12:30 PM

Tue, Feb 9, 2016 at 1:55 PM

to determine an appropriate fee amount, based upon attorney time shown to have been reasonably expended. Accordingly, the Court of Appeals for the District of Columbia Circuit has held that attorney fees and costs should be supported by well-documented, contemporaneous billing records;113 while some courts will consider reconstructed records,114 the amount ultimately awarded may be reduced accordingly.115

Also as a note, on page (5 - 6) under "Threshold Issues" there are limits referred to as "unlikely attorney fees" provision limits an award to fees and costs..

However, a plaintiff cannot seek to have work done by an attorney compensated under the guise of "costs."

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

[Quoted text hidden]

Attorney fees etc pg 30.pdf



Meet at 11:00?

3 messages

Bighorn, Spike <spike.bighom@bia.gov> Wed, Feb 10, 2016 at 10:15 AM To: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Good morning:

Can you both meet at 11:00 this morning in my office for a briefing on the Kemper FOIA case?

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighom@bia.gov

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Bighom, Spike" <spike.bighom@bia.gov>

okay

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7540 [Quoted text hidden]

Spike Bighorn <spike.bighom@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov>

Thanks!

Spike

Wed, Feb 10, 2016 at 10:16 AM

Wed, Feb 10, 2016 at 10:19 AM

From: Howaste, Wakinyan [mailto:wakinyan.howaste@bia.gov] Sent: Wednesday, February 10, 2016 10:16 AM To: Bighorn, Spike Subject: Re: Meet at 11:00?

[Quoted text hidden]



Mike Smith draft email

7 messages

Bighorn, Spike <spike.bighom@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov>

Hi Wakinyan:

Here is the email Hankie is reviewing.

As soon as she gives us the "approval" I will send to Mr. Smith.

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighom@bia.gov

Draft email for Mike Smith to RDs on FOIA request.doc
 24K

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Bighom, Spike" <spike.bighom@bia.gov> Thu, Jul 16, 2015 at 9:48 AM

Thu, Jul 16, 2015 at 9:21 AM

Good morning Spike: Thank you. Here is the current updated count count:

Alaska = 66 plus 208 (added per Dee)

Eastern Region = 8

Eastern Oklahoma = 32

Great Plains = 14

Midwest = 47

Navajo =

Northwest =24

Pacific = 49

Rocky Mountain = 1

Southern Plains = 32

Southwest = 14

Western = 32

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629. [Quoted text hidden]

Bighorn, Spike <spike.bighorn@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Wow!

Are all of the 514 now located on the Google site?

Spike

Spike Bighorn, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Bighorn, Spike" <spike.bighorn@bia.gov> Thu, Jul 16, 2015 at 11:46 AM

Thu, Jul 16, 2015 at 11:49 AM

yes, if you look at the link I shared with you they are the in the Alaska fold, and then you will see the "added Constitutions after 7/5/15" folder

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

[Quoted text hidden]

To: Shyla Joe <shyla.joe@bia.gov>

Mr. Smith memo to the RD'S is in the 1st email

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7629.

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov> Thu, Feb 11, 2016 at 1:55 PM

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640 [Quoted text hidden]

Draft email for Mike Smith to RDs on FOIA request.doc 24K

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov> Wed, Feb 17, 2016 at 8:58 AM

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., 'NW MS-4513 Washington, D.C. 20240 (202) 513-7640 [Quoted text hidden]


Revised response to Kemper

2 messages

Kelsey, Angela <angela.kelsey@sol.doi.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov>

Please see attached.

Revised draft.AMK. Kemper.BIA-2015-00421.doc 41K

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov> Tue, Dec 23, 2014 at 11:05 AM

Thu, Feb 11, 2016 at 2:54 PM

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

----- Forwarded message -----From: **Kelsey**, **Angela** <angela.kelsey@sol.doi.gov> Date: Tue, Dec 23, 2014 at 11:05 AM Subject: Revised response to Kemper To: Wakinyan Howaste <wakinyan.howaste@bia.gov>

Please see attached.

Revised draft.AMK. Kemper.BIA-2015-00421.doc 41K



Thursday 2/11/15 - 645 AM - (415 PM = 9.0 hrs) -* +2 hr 15 minutes 6:30 PM -Checking Out

1 message

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Thu, Feb 11, 2016 at 6:33 PM To: Spike Bighorn <spike.bighorn@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

(*) 4:15 to 630 PM = +2 hr 15 minutes working on the "Kemper FOIA Declaration"

At 345 Daniel Largo called and asked me to provide some information on how i performed the records search after the Civil Complaint was received. I'm not completely finished yet but I will show you what I have tomorrow

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640



review 2 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov> Cc: "Mr. Wakin'yan Howa`ste" <Wakinyar.howaste@bia.gov> Fri, Feb 12, 2016 at 10:32 AM

Good morning Spike/Laurel:

Here is my draft insert for Daniel's "Declaration for Kemper", please review and feel free totally put with you feel is appropriate or edit this one

I am Wakinyan HoWaste, I am a Program Analyst for the Bureau of Indian Affairs Central Office, Office of the Deputy Bureau Director - Indian Services and as a collateral duty, the FOIA Coordinator for the Office of Indian Services. I am not an expert in the area of Tribal Constitutions or Tribal governing documents.

On 6/22/15 I was "given a heads up" by Daniel Largo FOIA Officer regarding the "Keller/Kemper complaint" and Daniel was waiting to hear back from the Solicitors office on this issue. My very first thought was "A complaint, or an appeal?"

On 6/24/15 I was "Officially advised" by Mr. Largo, that a complaint (not an appeal) was filed against BIA regarding the Kemper FOIA Request" of an inadequate search by the Office of Indian Services.

Why were we not given an opportunity to manage this at the Appeal stage? This raises a large question as to why Indian Services has to fit the bill for Mr. Kemper's attorney fees.

From what I understood from the Solicitor that we only had 7 business days to reply, but a 30 day extension would be requested by SOL and in the meantime we (Indian Services) should start thinking about where responsive documents would be located as additional searches will be necessary to meet our burden under the FOIA.

Based on the past information I received from Chief, Division of Tribal Government Services (Laurel Iron Cloud) that the Central Office was previously tasked with reviewing tribal constitutions, but that was no longer the case, because that duty had been delegated to the Region offices and that they now maintain the current Tribal Constitutions and or Charters. Hence, I did not perform another search for tribal constitutions or charters at the Central Office level because the Central Office, Office of Indian Services is only tasked with maintaining records that are created by our Divisions and that is also the reasoning for our original 12/23/14 "no records" response". Prior to our receipt of Mr. Kemper's 12/09/14 FOIA request we (the Office of Tribal Government Services and myself) did recommend to the FOIA Office that Mr. Kemper's FOIA request be assigned to the 12 Regions tribal government officer because that where the tribal constitution/charters are reviewed and maintained as those offices are also deemed to be the experts in that area, but our recommendation was ignored. From what I understand from my past experiences with records is maintaining "copies" of documents created or maintained by other BIA offices, (in this case the 12 BIA Regions or BIA Agency's) is not a good practice and is not procedure I recommended at the Central Office level, as that would be ill-advised by NARA.

On 6/25/15 we had a teleconference call consisting of James Porter (SOL), Spike Bighorn (OIS), Jennifer Heindl (SOL), Shyla Joe (SOL) and myself, Wakinyan HoWaste (OIS FOIA Coordinator). It was determined copies of constitutions and articles of incorporation were in fact "governing documents (and not corporate Charters) and we would draft a letter for the Field Director asking each of the 12 Region Tribal

Government Offices provide this information for Mr. Kemp as soon as possible. Each region responded with all responsive documents they maintain on file advising some tribes did not have tribal constitutions or charters as they still govern verbally.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

Bighorn, Spike <spike.bighorn@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>

I have added my comments in track changes.

Spike

Spike Bighorn, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighom@bia.gov [Quoted text hidden]

Wakinyan HoWaste FOIA response.docx 16K Fri, Feb 12, 2016 at 12:07 PM



Fwd: Declaration for Kemper

5 messages

Largo, Daniel <daniel.largo@bia.gov>

Wed, Feb 3, 2016 at 11:44 AM

To: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Jessica Rogers <Jessica.Rogers@bia.gov>

Wakinyan and Laurel:

Can you both review the declaration and I will do the edits relating to my office, if you could review the portion dealing with Tribal Government and send back to me as soon as you can.

Thank you,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

-----Forwarded message ------From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov> Date: Wed, Feb 3, 2016 at 11:40 AM Subject: Declaration for Kemper To: Daniel Largo <daniel.largo@bia.gov>

Hi Daniel,

Here is a rough attempt at a draft declaration for you in this case. You will see that I am not terribly familiar with BIA's structure or FOIA organization, so there may be many mistakes. Please review and make any and all changes you think necessary to accurately reflect the search. Once we get it in shape I will share with the AUSA for his comments. Thanks, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and destroy all copies. Thank you.

Declaration of Daniel Largo.docx 20K

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov>

Mon, Feb 8, 2016 at 4:51 PM

Spike:

Daniel called about this "draft Declaration".

Laurel originally responded and you forwarded the FOIA office this note:

In the event you didn't receive Laurel's response, here it is:

The Office of Indian Services worked with the Tribal Government services personnel in each region to search for all tribal constitutions. The Tribal Government officers in each region searched their records by tribe. In central office the secretary for the Division of Tribal Government Services and the Office of Indian Services FOIA officer searched central office

records by tribe. Both automated and manual searches were conducted."

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640 [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov> Fri, Feb 12, 2016 at 10:29 AM

Mr. Largo would like me to add 'how I managed the search for responsive documents for the Kenper complaint to his Declaration which he needs to submit by noon today.

U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington D.C. 20240 (202) 513-7640

[Quoted text hidden]

Spike Bighorn <spike.bighom@bia.gov> To: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Hi Laurel:

I am on a conference call to prepare for a budget briefing - please revise the draft declaration below to include your suggestion to add at the beginning " Although these records are held at the local BIA servicing agency/regional office....."

Thanks!

Spike

From: Howaste, Wakinyan [mailto:wakinyan.howaste@bia.gov]
Sent: Friday, February 12, 2016 10:30 AM
To: Spike Bighorn; Laurel Iron Cloud
Subject: Fwd: Declaration for Kemper

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Daniel Largo <daniel.largo@bia.gov> Cc: Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good afternoon Mr. Largo: Please find attached my response for the "Declaration".

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

[Quoted text hidden]

Wakinyan HoWaste FOIA 2.12.16 response for search.docx

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Re: Declaration for Kemper- revised language

1 message

Bighorn, Spike <spike.bighorn@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>

I have amended the response below.

Laurel: Let me know what you think, and change as needed.

Spike

Spike Bighom, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov

On Fri, Feb 12, 2016 at 10:29 AM, Howaste, Wakinyan <wakinyan.howaste@bia.gov> wrote: > Mr. Largo would like me to add 'how I managed the search for responsive > documents for the Kenper complaint to his Declaration which he needs to > submit by noon today. > > > > Mr. Wakin'yan Howa`ste' (Lakota) > Program Analyst > U.S. Department of the Interior > Bureau of Indian Affairs > 1849 C St., NW MS-4513 > Washington, D.C. 20240 > (202) 513-7640 > > ----- Forwarded message --> From: Howaste, Wakinyan <wakinyan.howaste@bia.gov> > Date: Mon, Feb 8, 2016 at 4:51 PM > Subject: Re: Declaration for Kemper > To: Spike Bighorn <spike.bighorn@bia.gov> > > > Spike: > > Daniel called about this "draft Declaration". > > Laurel originally responded and you forwarded the FOIA office this note: > "In the event you didn't receive Laurel's response, here it is: >

> Although all official constitutions are collected and maintained by the local BIA servicing agency/regional office, The Office of Indian Services worked with the Tribal Government services

Fri, Feb 12, 2016 at 12:22 PM

> personnel in each region to search for all tribal constitutions. The Tribal > Government officers in each region searched their records by tribe. In > central office the secretary for the Division of Tribal Government Services > and the Office of Indian Services FOIA officer searched central office > records by tribe. Both automated and manual searches were conducted." > > > > > > > > Mr. Wakin'yan Howa`ste' (Lakota) > Program Analyst > U.S. Department of the Interior > Bureau of Indian Affairs > 1849 C St., NW MS-4513 > Washington, D.C. 20240 > (202) 513-7640 > > On Wed, Feb 3, 2016 at 11:44 AM, Largo, Daniel <daniel.largo@bia.gov> wrote: >> >> Wakinyan and Laurel: >> Can you both review the declaration and I will do the edits relating to my >> office, if you could review the portion dealing with Tribal Government and >> send back to me as soon as you can. >> >> Thank you, >> >> >> Respectfully, >> >> Daniel Largo, Jr., >> >> Indian Affairs FOIA Officer >> >> U.S. Department of the Interior >> >> Assistant Secretary - Indian Affairs >> >> 1849 C Street, NW, MS 3070-MIB >> >> Washington, DC 20240 >> >> (Main) 202-208-3135 >> >> (Direct) 202-208-5097 >> >> (Fax) 202-208-6597 >> >> E-mail: Daniel.Largo@bia.gov >> >> >> ------ Forwarded message --->> From: Heindl, Jennifer <jennifer.heindl@sol.doi.gov> >> Date: Wed, Feb 3, 2016 at 11:40 AM >> Subject: Declaration for Kemper >> To: Daniel Largo <daniel.largo@bia.gov> >> >> >> Hi Daniel. >> Here is a rough attempt at a draft declaration for you in this case. You >> will see that I am not terribly familiar with BIA's structure or FOIA

>> organization, so there may be many mistakes. Please review and make any and >> all changes you think necessary to accurately reflect the search. Once we



Fwd: Declaration for Kemper (a few clerical errors corrected)

1 message

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Daniel Largo <daniel.largo@bia.gov> Fri, Feb 12, 2016 at 1:31 PM

Mr. Largo:

We apologize for our delay. If you haven't already submitted the Declaration, please you this insert. there were 3 small errors.

4th para. "Not further information was," changed to "No further information was," 4th para. was divided. last para. "for Mr. Kemp" changed to "for Mr. Kemper"

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

Wakinyan HoWaste FOIA 2.12.16 response for search EDIT 1.docx 15K



FOIA issue

2 messages

Bighorn, Spike <spike.bighorn@bia.gov> Tue, Feb 9, 2016 at 4:45 PM To: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Good evening:

Hankie said to authorize SOL to proceed with settlement discussions with Mr, Kemper.

I can brief you tomorrow on how she arrived at this decision.

Spike

Spike Bighorn, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov> Wed, Feb 17, 2016 at 7:46 AM

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640 [Quoted text hidden]



Kemper v. BIA

3 messages

Heindl, Jennifer <jennifer.heindl@sol.doi.gov> Fri, Feb 26, 2016 at 10:45 AM To: Daniel Largo <daniel.largo@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Hi Daniel and Wakinyan,

I have exchanged email with Joseph Gray at AIRR, and it sounds like Wakinyan has already started looking at what potentially responsive material may be there. Please keep me informed about progress. The AUSA would like to know as soon as possible about how much responsive material the AIRR contains, and how long it will take to produce. He and plaintiffs agreed to a another 45 day extension, but plaintiffs have said this will be the last one they will agree to, so we really need to move this along as quickly as possible. Thanks very much,

Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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Largo, Daniel <daniel.largo@bia.gov> To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov> Fri, Feb 26, 2016 at 10:54 AM

Thank you, Jennifer for the notification. I was also not aware that the Office of Indian Services sent out the request to the AIRR to start looking for responsive records. I will get with Wakinyan about the progress.

Thank you, again,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighom <spike.bighom@bia.gov>

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640 [Quoted text hidden]



my draft reponse to Jennifer and Daniel Re: Kemper vs BIA

1 message

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighom <spike.bighom@bia.gov> Fri, Feb 26, 2016 at 11:22 AM

____DRAFT____DRAFT____

Good morning Jennifer/Daniel:

When I spoke with Mr. Gray, he said he would send an initial copy of an inventory of what they had covering Tribal Constitution and Articles of Incorporation.

That inventory would have to be reviewed and compared to what Mr. Kemper has already received. Then Mr. Grey said they would send what ever Mr. Kemper does not have.

My side note:

According to the Regional Tribal Government officers involved, all of the copies of tribal constitutions and articles of incorporation the Central provided were all outdated, and with the exception of the Alaska Region, we were advised not to submit those.

So overall they not used.

Since that is the situation, we do not know what all the Region/Agency's provided to Mr. Kemper so far.

Would it be better if Mr. Kemper reviewed the inventory that Mr. Gray is going to provide, and advise us which ones he needs?



Regarding the "Kemper" Constitutions not provided, listed by Region

3 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Mon, Mar 7, 2016 at 1:18 PM To: Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Spike:

To narrow the search, I advised the AIRR that I would check with you and Laurel to see if we could send Kempers "Constitutions not provided list" out to the Regional Tribal Government Officers to:

1. "Re-check" and see if they can provide any of the tribal constitutions etc on the Kemper list for their Region, or

2. If they do not have any of the items on the list, could they verify item by item, the reason they do not have any of the constitutions etc. ("tribe has verbal constitution, the tribe did not provide" etc.

3. Hopefully we would be able to provide AIRR a shorter list. and give the Solicitors office a timeline.

the list by Regions is attached below, I can resent them each separately by Region

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

11 attachments

232 ALASKA Region Villages Separate LIST.docx
 18K

Eastern Region Tribes no constitutions or articles of incorporation produced Seperate LIST.docx 13K

Eastern Oklahoma Region Constitutions not produced Seperate LIST.docx 13K

Great Plains Region Tribes no constitutions or articles of incorporation produced Seperate LIST.docx 13K

Midwest Region Constitutions not produced Seperate LIST.docx

Bighorn, Spike <spike.bighom@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov></wakinyan.howaste@bia.gov></spike.bighom@bia.gov>	Mon, Mar 7, 2016 at 1:34 PM
Western Region _ Constitutions not produced Separate LIST.docx 13K	
Southwest Region Seperate_Constitution not produced Separate LIST.docx 14K	
Southern Plains Separate LIST.docx 14K	
Rocky Mountain Separate LIST.docx 13K	
Pacific Region Tribes_No constitutions_articles of incorporation produced Se 14K	parate LIST.docx
Northwest Region Constitutions not produced Separate LIST.docx 14K	
I 13K	

2. We agree that Mr. Kemper did not receive any of the constitutions on these lists in the original response?

1. Were these lists prepared from the list we received from Mr. Kemper? (I assume that is the case, but want to confirm)

Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Thank you Wakinyan.

A couple of questions:

Spike

Spike Bighorn, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighom@bia.gov [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Bighorn, Spike" <spike.bighorn@bia.gov>

Yes, these are from the list Kemper provided.

Attach is the original list.

Mon, Mar 7, 2016 at 1:36 PM



Kemper Civil (outstanding) "constitutions or articles of incorporation not provided by the BIA" list

14 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Spike Bighom <spike.bighom@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

This is the (outstanding) list of the "constitutions or articles of incorporation not provided by the BIA", sent by Mr. Kemper

11 attachments
■Eastern Region Tribes no constitutions or articles of incorporation produced Seperate LIST.docx 13K
■ Eastern Oklahoma Region Constitutions not produced Seperate LIST.docx 13K
■Great Plains Region Tribes no constitutions or articles of incorporation produced Seperate LIST.docx 13K
<u> Midwest Region Constitutions not produced Seperate LIST.docx</u> 13K
画Northwest Region Constitutions not produced Separate LIST.docx 14K
■Pacific Region Tribes_No constitutions_articles of incorporation produced Separate LIST.docx 14K
■Rocky Mountain Separate LIST.docx 13K
Southern Plains Separate LIST.docx
Southwest Region Seperate_Constitution not produced Separate LIST.docx
Western Region _ Constitutions not produced Separate LIST.docx 13K
画Alaska Region Villages Separate LIST.docx 21K

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Gail Veney <gail.veney@bia.gov> Cc: Spike Bighom <spike.bighom@bia.gov> Tue, Mar 8, 2016 at 4:00 PM

Thank you, Wakinyan.

Gail is going to be our point of contact on this outreach.

Gail, please reach out to each region individually, with just their respective list, to request that they look for the documents on the list. A sentence or two summarizing why we are back asking again would be great. Prior to sending out the individual requests, please let me review your proposed standard language.

Thank you -Laurel

On Tue, Mar 8, 2016 at 3:37 PM, Howaste, Wakinyan <wakinyan.howaste@bia.gov> wrote:

This is the (outstanding) list of the "constitutions or articles of incorporation not provided by the BIA", sent by Mr. Kemper

Laurel Iron Cloud, Chief Division of Tribal Government Services 1849 C Street NW MS 4513-MIB Washington, DC 20240 Phone: (202) 513-7626 Fax: (202) 219-1193

Tue, Mar 8, 2016 at 4:03 PM

Veney, Gail <gail.veney@bia.gov> To: "Iron Cloud, Laurel" <laurel.ironcloud@bia.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>

I do not have knowledge of all that has transpired on this although tony has mentioned some information - can you please send it to me or tell me where to find it. also Tony there is no list on here.

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Gail Veney <gail.veney@bia.gov> Tue, Mar 8, 2016 at 4:06 PM

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640 [Quoted text hidden]

11 attachments	,
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ð	Eastern Region Tribes no constitutions or articles of incorporation produced Seperate LIST.docx 13K
ø	Eastern Oklahoma Region Constitutions not produced Seperate LIST.docx
	<u>Great Plains Region Tribes no constitutions or articles of incorporation produced Seperate LIST.docx</u>
ð	Midwest Region Constitutions not produced Seperate LIST.docx 13K
	Northwest Region Constitutions not produced Separate LIST.docx 14K
	Pacific Region Tribes_No constitutions_articles of incorporation produced Separate LIST.docx 14K
	Rocky Mountain Separate LIST.docx 13K
	Southern Plains Separate LIST.docx 14K
	Southwest Region Seperate_Constitution not produced Separate LIST.docx
	<u>Western Region</u> Constitutions not produced Separate LIST.docx
ð	Alaska Region Villages Separate LIST.docx 21K

 Veney, Gail <gail.veney@bia.gov>
 Tue, Mar 8, 2016 at 4:06 PM

 To: "Iron Cloud, Laurel" <laurel.ironcloud@bia.gov>
 Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>

Have the regions already provided info or where did we get this info to send him?

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." – WA Ward On Tue, Mar 8, 2016 at 4:00 PM, Iron Cloud, Laurel <laurel.ironcloud@bia.gov> wrote: [Quoted text hidden]

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> Tue, To: "Veney, Gail" <gail.veney@bia.gov> Cc: "Howaste. Wakinvan" <wakinvan.howaste@bia.gov>. Spike Bighorn <spike.bighorn@bia.gov>

Gail,

I have forwarded to you the most recent background email correspondence regarding this issue. In a nutshell, Mr. Kemper has provided a list of documents that he thinks we may have, but have not been provided. Wakinyan has contacted AIRR and did a cross check of they is in storage against what Mr. Kemper has requested. There are some outstanding documents that we would like to check with the regions on - so we can be true to the statement that BIA looked for the documents.

Spike and Wakinyan - please add or correct if I am wrong.

Laurel [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Veney, Gail" <gail.veney@bia.gov> Tue, Mar 8, 2016 at 4:20 PM

this was after the Regions all provided what they had (last year).

Mr. Kemper (the plaintiff) re-appealed/objected (i believe that is the correct word) and said to "check again" and sent this list and "stating" that because there were so many tribal constitutions or articles of incorporation no produced the "BIA did not do a thorough search".

Now, Mr. Kempers list needs to be verified by the Regions that the BIA (all of the BIA nationwide) either has available, or, does not have any of the items on these lists. Some of the items are "the original constitution" (i.e.; 1936 constitution etc.) he is seeking prior to any amendments or revisions.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

[Quoted text hidden]



Tue, Mar 8, 2016 at 4:11 PM

Bighorn, Spike <spike.bighom@bia.gov> To: "Iron Cloud, Laurel" <laurel.ironcloud@bia.gov> Cc: "Veney, Gail" <gail.veney@bia.gov>, "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Good afternoon:

I would add this issue has gone to litigation, and time is of the essence to get a response back to our solicitor.

Essentially, we understand the regions have already searched their records, but we are asking them to certify they have searched their records and haven't found the requested documents. I hope the regional staff will notice this request acknowledges in some instances the BIA has already sent amended constitutions, but the requester is now asking for "original" constitutions the regions may have in their files.

Hope this helps.

Spike

Spike Bighorn, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighorn@bia.gov

On Tue, Mar 8, 2016 at 4:11 PM, Iron Cloud, Laurel [Quoted text hidden]

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> To: "Bighorn, Spike" <spike.bighorn@bia.gov> Cc: "Veney, Gail" <gail.veney@bia.gov>, "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Tue, Mar 8, 2016 at 4:42 PM

Yes. Thanks Spike, for that additional information. [Quoted text hidden]

Veney, Gail <gail.veney@bia.gov> To: "Iron Cloud, Laurel" <laurel.ironcloud@bia.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>

"constitutions or articles of incorporation not provided by the BIA" - **articles of incorporation??** what is that? Is he wanting Articles of ASSOCIATION or CHARTERS of Incorporation?

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

[Quoted text hidden]

Veney, Gail <gail.veney@bia.gov> Wed, Mar To: "Iron Cloud, Laurel" <laurel.ironcloud@bia.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>

I will do this - this morning

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

[Quoted text hidden]

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> We To: "Veney, Gail" <gail.veney@bia.gov> Cc: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>

Gail,

No, we are not searching for charters. Please speak with Wakinyan on the details of this response. This request needs to go out ASAP. Laurel [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Iron Cloud, Laurel" <laurel.ironcloud@bia.gov> Cc: "Veney, Gail" <gail.veney@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>

Good morning Gail: On page 6 of the Civil Complaint shows Mr. Kempers statement:

Wed, Mar 9, 2016 at 8:52 AM

Wed, Mar 9, 2016 at 9:23 AM

Wed, Mar 9, 2016 at 10:14 AM

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Evenption 6 Paiedff,	Case No. 1:15-cv-771
v .	
UNITED STATES DEPARTMENT OF THE INTERIOR, 1849 C Street, NW Washington, D.C. 20240	
Defendant.	

COMPLAINT

Plaintiff Kevin R. Kemper, by and through his undersigned attorneys, alleges:

This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C.

§§ 552, et seq , brought by Kevin R. Kemper, Ph.D ("Dr. Kemper" or "Plaintiff"). Dr. Kemper brings this action for injunctive and other appropriate rebef, seeking the release of agency records from the Bureau of Indian Affairs ("BIA") of the United States Department of the Interior ("Interior" or "DOI").

2 Through this action, Dr. Kemper seeks to compel the BIA and Interior to make a reasonable search for and provide copies of each version of the constitution, articles of incorporation or other organic legal document of each American Indian and Alaska Native tribul government within the United States. Dr. Kemper intends to organize and provide these documents online so that tribul members, researchers and visitors to tribul lands may know and understand what the law is

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640 [Quoted text hidden]

1

Spike Bighorn <spike.bighorn@bia.gov> To: Gail Veney <gail.veney@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov> Wed, Mar 9, 2016 at 10:15 AM

Hi Gail:

We aren't sending the requester any Charters, as those are business related/type documents.

Spike

From: Veney, Gail [mailto:gail.veney@bia.gov]
Sent: Wednesday, March 09, 2016 8:51 AM
To: Iron Cloud, Laurel
Cc: Howaste, Wakinyan; Spike Bighorn
Subject: Re: Kemper Civil (outstanding) "constitutions or articles of incorporation not provided by the BIA" list

[Quoted text hidden]



URGENT FOIA Request - Rocky Mountain

2 messages

Veney, Gail <gail.veney@bia.gov>

Wed, Mar 9, 2016 at 4:55 PM

To: Jo-Ellen Cree <jo-ellen.cree@bia.gov>, Louise Zokan-Delos Reyes <louise.reyes@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Hi - Our office is responding a previous FOIA request (Kemper vs. BIA), he is wanting more information. He is requesting constitutions for every tribe. Below is a list of Tribes from your Region - We realize some tribes do not have this type of governing system and we may not have a constitution or any other governing document ion file for them.

If the tribe listed below is a traditional, oral tradition or has some of other information in place that you have on file - can you please indicate that next to the tribe.

Or if you have governing documents that you can attach & send to us, we would greatly appreciate it. This is due as soon as possible. This list below is ONLY for the tribes within your Region, that we cannot locate any information on in Central Office:

Thank you so much for your attention to this matter - Gail

Rocky Mountain

Region Constitutions produced amendments incorporated; original version not produced"

Fort Belknap Indian Community: 1936

("Constitutions produced w/amendments incorporated; original version not produced")

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov>

FYI

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington. D.C. 20240 (202) 513-7640

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[Quoted text hidden]



URGENT FOIA Request - Great Plains

3 messages

 Veney, Gail <gail.veney@bia.gov>
 Wed, Ma

 To: Todd Gravelle <todd.gravelle@bia.gov>
 C: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

HI - we are responding further to a previous FOIA request (Kemper vs. BIA) - He is requesting constitutions for every tribe (some tribes do not have this type of governing system) Below is a list of Tribes from your Region that we do not have a constitution or any other governing document in our files for them - If this tribe is a traditional, oral tradition or has some of other information in place that you have on file - **can you please indicate that next to the tribe** or **if you have governing documents that you can you please attach** & send to me We would greatly appreciate it. This is due as soon as possible. This list below is ONLY for the tribes in your Region - that we do not have any info on in Central Office: Thank you so much for your attention to this matter – Gail

Great Plains Region Tribes for which no constitutions or articles of incorporation have been produced

Turtle Mountain Band of Chippewa Indians of North Dakota

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

Gravelle, Todd <todd.gravelle@bia.gov> Wed, To: "Veney, Gail" <gail.veney@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Here is the Constitution for the Turtle Mountain Band of Chippewa Indians that we have on file. [Quoted text hidden]

Todd K. Gravelle Supervisory Tribal Operations Specialist Bureau of Indian Affairs Great Plains Region (MC-304) 115 4th Avenue SE, Suite 400 Wed, Mar 9, 2016 at 4:43 PM

Wed, Mar 9, 2016 at 5:01 PM

2014 Constitution & ByLaws.pdf 4307K

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov> Fri, Mar 11, 2016 at 10:10 AM

FYI

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]



Urgent FOIA - Request - Alaska Region

2 messages

Veney, Gail <gail.veney@bia.gov> Wed, Mar 9, 2016 at 5:11 PM To: Delores Springer <delores.springer@bia.gov> Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Hi - Our office is responding a previous FOIA request (Kemper vs. BIA), he is wanting more information. He is requesting constitutions for every tribe. Below is a list of Tribes from your Region - We realize some tribes do not have this type of governing system and we may not have a constitution or any other governing document ion file for them.

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Thank you so much for your attention to this matter - Gail

ALASKA Region Villages/Tribes/Associations for which no constitutions or articles of incorporation have been produced:

Chuloonawick Native Village

Holy Cross Village

Igiugig Village

Kaguyak Village

Lime Village

Manley Hot Springs Village

Native Village of Ekuk

Native Village of Gakona

Native Village of Napaskiak

Native Village of Nelson Lagoon

Native Village of Nunam Iqua (previously listed as the Native Village of Sheldon's Point)

Native Village of Pitka's Point

Native Village of Scammon Bay

Nenana Native Association

Nulato Village Pauloff Harbor Village South Naknek Village Telida Village Traditional Village of Togiak Twin Hills Village Village of Aniak Village of Salamatoff Village of Solomon Yakutat Tlingit Tribe

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighom <spike.bighom@bia.gov> Fri, Mar 11, 2016 at 10:11 AM

FYI

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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Wed, Mar 9, 2016 at 4:46 PM

Wed, Mar 9, 2016 at 5:3

Urgent FOIA Request - Midwest

3 messages

Veney, Gail <gail.veney@bia.gov>

To: Sherrel LaPointe <sherrel.lapointe@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

HI - we are responding further to a previous FOIA request (Kemper vs. BIA) - He is requesting constitutions for every tribe (some tribes do not have this type of governing system) Below is a list of Tribes from your Region - that we do not have a constitution or any other governing document in our files for them - If this tribe is a traditional, oral tradition or has some of other information in place that you have on file - can you please indicate that next to the tribe or if you have governing documents that you can you please attach & send to me We would greatly appreciate it. This is due as soon as possible. This list below is ONLY for the tribes in your Region - that we do not have any info on in Central Office: Thank you so much for your attention to this matter – Gail

Constitutions that have not been produced:

Midwest

Lac du Flambeau Band of Lake Superior Chippewa Indians: 1936 ("Constitution not produced")

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

LaPointe, Sherrel <sherrel.lapointe@bia.gov> To: "Veney, Gail" <gail.veney@bia.gov>

Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Gail: Hello! Lac du Flambeau's constitution was uploaded in Google drive last summer and is still at that same location (I think you were on your detail when thi datacall came out) I checked and now it seems that copies were created of what was originally uploaded. I have attached a copy of the constitution that I downloaded frcm the Google drive. Take a look through the link below and let me know if you are looking for something else.--slp

https://drive.google.com/a/bia.gov/folderview?id=0B5bWwlgjF1DhfldxLVdNRUwxd1hHRTZLY3ozSnVPUnFvbFJwU3JBR0dDSTdCSm1DbnhqaUk&usp≃sharing_eid&tid= 0B5bWwlgjF1DhS:DBwRHJIaFhfbXM#grid



5600 West American Boulevard, Suite 500 Bloomington, Minnesota 55437 P1: 612.713.4400 P2: 605.226.7637 F: 612.713.4401 E: sherrel.lapointe@bia.gov Thise-mail (including atk chments) is intended for the use of the in

This e-mail (including at chments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee/agent responsible for deliver this e-mail to the intender recipient, please note that any dissemination, distribution, copying or use of this e-mail or its contents is strictly prohibited. If you received this e-mail in error, please notly the sender immediately and destroy all copies. [Quoted text hidden]

Fri, Mar 11, 2016 at 10:12 AM

Lac Du Flambeau - Constitution and Bylaws.pdf 785K

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov>

FYI

Mr. Wakin'yan Howa' ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

Lac Du Flambeau - Constitution and Bylaws.pdf 785K


Urgent FOIA Request - Pacific Region

3 messages

Wed, Mar 9, 2016 at 5:03 PM

Veney, Gail <gail.veney@bia.gov> Wed, To: Harley Long <harley.long@bia.gov>, Viola Brooks <viola.brooks@bia.gov> Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Hi - Our office is responding a previous FOIA request (Kemper vs. BIA), he is wanting more information. He is requesting constitutions for every tribe. Below is a list of Tribes from your Region - We realize some tribes do not have this type of governing system and we may not have a constitution or any other governing document ion file for them.

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Or **if you have governing documents that you can attach & send to us,** we would greatly appreciate it. This is due as soon as possible. This list below is ONLY for the tribes within your Region, that we cannot locate any information on in Central Office:

Thank you so much for your attention to this matter - Gail

Pacific Region Plains Tribes for which no constitutions or articles of incorporation have been produced

Augustine Band of Cahuilla Indians, California

Berry Creek Rancheria of Maidu Indians of Big Pine Paiute Tribe of the Owens Valley

Big Sandy Rancheria of Western Mono Indians of California

Big Valley Band of Pomo Indians of the Big Valley Rancheria,

Bishop Paiute Tribe

Buena Vista Rancheria of Me-Wuk Indians of California

Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Ranchena, California

California Valley Miwok Tribe, California

Chicken Ranch Rancheria of Me-Wuk Indians of

Cloverdale Rancheria of Pomo Indians of California

Cold Springs Rancheria of Mono Indians of

Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California

Lone Pine Paiute-Shoshone Tribe

Los Coyotes Band of Cahuilla and Cupeno Indians, California

Morongo Band of Mission Indians, California

Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California

Ramona Band of Cahuilla, California

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

 Harley Long
 Wed, Mar 9, 2016 at 6:01 PM

 To: Gail Veriey <gail.veney@bia.gov>, Viola Brooks <viola.brooks@bia.gov>
 Wed, Mar 9, 2016 at 6:01 PM

 Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Gail –

Here is the link provided to Wakinyan Howaste and Laurel Iron Cloud some time ago in response to a FOIA request:

https://sp.ia.doi.net/sites/Regions/pacific/PROtribal/Constitutions1/Forms/AllItems.aspx

These are all the constitutions we have on file. I will send an email to the Agency staff in this region to address the Tribes who do not have Constitutions on file.

Pacific Region Plains Tribes for which no constitutions or articles of incorporation have been produced

Augustine Band of Cahuilla Indians, California

Berry Creek Rancheria of Maidu Indians ~ Provided on Share Point

Big Pine Paiute Tribe of the Owens Valley - Provided on Share Point

Big Sandy Rancheria of Western Mono Indians of California - Provided on Share Point

Big Valley Band of Pomo Indians of the Big Valley Rancheria, - Provided on Share Point Bishop Paiute Tribe - No Constitution Buena Vista Rancheria of Me-Wuk Indians of California - Provided on Share Point Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California - Provided on Share Point California Valley Miwok Tribe, California – No Constitution recognized BIA Chicken Ranch Rancheria of Me-Wuk Indians of - Provided on Share Point Cloverdale Rancheria of Pomo Indians of California - Provided on Share Point Cold Springs Rancheria of Mono Indians of - Provided on Share Point Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California Lone Pine Paiute-Shoshone Tribe Los Coyotes Band of Cahuilla and Cupeno Indians, California Morongo Band of Mission Indians of the Pechanga Reservation, California

Ramona Band of Cahuilla, California

Harley Long, Tribal Government Officer United States Department of the Interior Bureau of Indian Affairs, Pacific Region Phone: 916.978.6067 Fax: 916.978.6099

From: Veney, Gail [mailto:gail.veney@bia.gov] Sent: Wednesday, March 09, 2016 2:04 PM To: Harley Long; Viola Brooks Cc: Laurel Iron Cloud; Wakinyan Howaste Subject: Urgent FOIA Request - Pacific Region

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighom <spike.bighom@bia.gov>

FYI

Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7540

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------ Forwarded message ------From: **Veney, Gail** <gail.veney@bia.gov> Date: Wed, Mar 9, 2016 at 5:03 PM Subject: Urgent FOIA Request - Pacific Region [Quoted text hidden]



Wed, Mar 9, 2016 at 4:38 PM

URGENT FOIA Request - Eastern Region

4 messages

Veney, Gail <gail.veney@bia.gov> To: Rebecca Smith <becky.smith@bia.gov>

Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>. Laurel Iron Cloud <laurel.ironcloud@bia.gov>

HI - we are responding further to a previous FOIA request (Kemper vs. BIA) - He is requesting constitutions for every tribe (some tribes do not have this type of governing system) Below is a list of Tribes from your Region that we do not have a constitution or any other governing document in our files for them - If this tribe is a traditional, oral tradition or has some of other information in place that you have on file - **can you please indicate that next to the tribe** or **if you have governing documents that you can you please attach** & send to me We would greatly appreciate it. This is due as soon as possible. This list below is ONLY for the tribes in your Region that we do not have any info on in Central Office: Thank you so much for your attention to this matter - Gail

Eastern Region Tribes for which no constitutions or articles of incorporation have been produced

Cayuga Nation

Coushatta Tribe of Louisiana

Houlton Band of Maliseet Indians

Oneida Nation of New York

Onondaga Nation

Tonawanda Band of Seneca

Tuscarora Nation

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward <laurel.ironcloud@bia.gov>

I will have to check on the Houlton Band of Maliseet Indians. I do not have one electronically, I will have to look through the files to see if we have a copy, I will do that first thing in the morning. But if I did not include it in the submission before, I do not have it, but I will look again.

On Wed, Mar 9, 2016 at 3:38 PM, Veney, Gail <gail.veney@bia.gov> wrote:

HI - we are responding further to a previous FOIA request (Kemper vs. BIA) - He is requesting constitutions for every tribe (some tribes do not have this type of governing system) Below is a list of Tribes from your Region - that we do not have a constitution or any other governing document in our files for them - If this tribe is a traditional, oral tradition or has some of other information in place that you have on file - **can you please indicate that next to the tribe** or **if you have governing documents that you can you please attach** & send to me We would greatly appreciate it. This is due as soon as possible. This list below is ONLY for the tribes in your Region - that we do not have any info on in Central Office: Thank you so much for your attention to this matter - Gail

Eastern Region Tribes for which no constitutions or articles of incorporation have been produced

Cayuga Nation

(Oral History - Traditional Tribe)

Coushatta Tribe of Louisiana

(According to a email from the Tribes Attorney in 2011 the Tribe has never had a Constitution. They have proposed one but never have put it in place.) (See attached email)

Houlton Band of Maliseet Indians

Oneida Nation of New York

(Oral History - Traditional Tribe)

Onondaga Nation

(Oral History - Traditional Tribe)

Tonawanda Band of Seneca

(Oral History - Traditional Tribe)

Tuscarora Nation

(Oral History - Traditional Tribe)

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." – WA Ward



URGENT FOIA Request - Northwest

3 messages

Veney, Gail <gail.veney@bia.gov> Wed, Mar 9, 2016 at 5:07 PM To: Gregory Norton <greg.norton@bia.gov> Wed, Mar 9, 2016 at 5:07 PM Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Hi - Our office is responding a previous FOIA request (Kemper vs. BIA), he is wanting more information. He is requesting constitutions for every tribe. Below is a list of Tribes from your Region - We realize some tribes do not have this type of governing system and we may not have a constitution or any other governing document ion file for them.

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Thank you so much for your attention to this matter - Gail

Northwest Region

Constitutions produced w/amendments incorporated; original version not produced"

Muckleshoot Indian Tribe: 1936_Constitutiion

Puyallup Tribe: 1936

Tulalip Tribe: 1936

Constitutions with portions missing:

Confederated Tribes of the Umatilla Indian Reservation: 2011 Amendment XIV

("Constitution has portions missing")

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

Norton, Gregory <greg.norton@bia.gov> Wed, Mar 9, 2016 at 6:47 PM To: "Veney, Gail" <gail.veney@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

I double checked the files and here is my response. After today, I will be on vacaction and unavailable until 03/22/2016.

Northwest Region

Constitutions produced w/amendments incorporated; original version not produced"

Muckleshoot Indian Tribe: 1936_Constitution

• I looked through our old customs and history folder and found a reprint of the original 1936 Constitution in booklet form (attached). We do not have an original or exact copy on file.

Puyallup Tribe: 1936

• I looked through our old customs and history folder and found a reprint of the original 1936 Constitution in booklet form (attached). We do not have an original or exact copy on file.

Tulalip Tribe: 1936

• I looked through our old customs and history folder and found a reprint of the original 1936 Constitution in booklet form (attached). We do not have an original or exact copy on file.

Constitutions with portions missing:

Confederated Tribes of the Umatilla Indian Reservation: 2011 Amendment XIV

 I checked the copy I sent previously and it does not appear to have portions missing, unless what you are referring to is the 2011 Amendment XIV. I checked hard copy and electronic files and did not find any "2011 Amendment XIV" on file.

("Constitution has portions missing")

Greg Norton, Tribal Government Specialist Division of Tribal Government Services BIA Northwest Regional Office 911 NE 11th Avenue Portland, Oregon 97232 Ph. (503) 231-6723 Fax (503) 231-2189 greg.norton@bia.gov

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URGENT FOIA Request - Southwest

3 messages

 Veney, Gail <gail.veney@bia.gov>
 Wed, Mar 9, 2016 at 5:09 PM

 To: Patricia Mattingly <patricia.mattingly@bia.gov>
 Wed, Mar 9, 2016 at 5:09 PM

 Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Hi - Our office is responding a previous FOIA request (Kemper vs. BIA), he is wanting more information. He is requesting constitutions for every tribe. Below is a list of Tribes from your Region - We realize some tribes do not have this type of governing system and we may not have a constitution or any other governing document ion file for them.

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Or **if you have governing documents that you can attach & send to us,** we would greatly appreciate it. This is due as soon as possible. This list below is ONLY for the tribes within your Region, that we cannot locate any information on in Central Office:

Thank you so much for your attention to this matter - Gail

Southwest Region - Tribes for which no constitutions or articles of incorporation have been produced

Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo)

Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan)

Pueblo of Laguna: 1908 and 1949 ("Constitution not produced

Southern Ute Indian Tribe: 1936 ("Constitution not produced")

Pueblo of Acoma, New Mexico

Pueblo of Cochiti, New Mexico

Pueblo of Jemez, New Mexico

Pueblo of Nambe, New Mexico

Pueblo of Picuris, New Mexico

Pueblo of Pojoaque, New Mexico

Pueblo of San Felipe, New Mexico

Pueblo of San Ildefonso, New Mexico

Pueblo of Sandia, New Mexico

Pueblo of Santa Ana, New Mexico

Pueblo of Taos, New Mexico

Pueblo of Tesuque, New Mexico

Pueblo of Zia, New Mexico

Ysleta del Sur Pueblo (prev. listed as the Ysleta Del Sur Pueblo of Texas)

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Mattingly, Patricia <patricia.mattingly@bia.gov>

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

Thu, Mar 10, 2016 at 10:20 AM

To: "Veney, Gail" <gail.veney@bia.gov> Cc: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

I will see what I can find. I believe the only tribe that would have anything else would be San Ildefonso which has a "governing document'.

Please let me know what "Constitution not produced" means?

I have been in and out of the office due to illness. I have a quarterly meeting today with one of our Pueblos. I will try to get to this as soon as I can.

Thanks, Patricia [Quoted text hidden] --Patricia L. Mattingly Tribal Government Officer BIA-Southwest Regional Office 1001 Indian School Rd, N.W. Albuquerque, N.M. 87104 (505) 563-3446 -Office (505) 206-7028 -Cell patricia.mattingly@bia.gov

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To: Spike Bighorn <spike.bighorn@bia.gov>

FYI

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]



URGENT FOIA Request - Eastern Oklahoma

4 messages

Veney, Gail <gail.veney@bia.gov> Wed, Mar 9, 2016 at 4:42 PM To: Barbara Bush <barbara.bush@bia.gov>, Diane Jobe <diane.jobe@bia.gov>

Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

HI - we are responding further to a previous FOIA request (Kemper vs. BIA) - He is requesting constitutions for every tribe (some tribes do not have this type of governing system) Below is a list of Tribes from your Region that we do not have a constitution or any other governing document in our files for them - If this tribe is a traditional, oral tradition or has some of other information in place that you have on file - **can you please indicate that next to the tribe** or **if you have governing documents that you can you please attach** & send to me We would greatly appreciate it. This is due as soon as possible. This list below is ONLY for the tribes in your Region - that we do not have any info on in Central Office: Thank you so much for your attention to this matter - Gail

Eastern Oklahoma Region - Constitutions not produced:

Cherokee Nation (Oklahoma): 2003 ("Constitution not produced")

Choctaw Nation: Constitutions of 1979; 1894; 1860; 1857; 1847; 1838 ("Constitution not produced")

Miami Tribe of Oklahoma: Final two articles and certificate of adoption of 1995 ("Constitution has portions missing")

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

Jobe, Diane <diane.jobe@bia.gov>

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." – WA Ward

Wed, Mar 9, 2016 at 4:46 PM

To: "Veney, Gail" <gail.veney@bia.gov> Cc: Barbara Bush <barbara.bush@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Gail,

The 1975 Constitution for the Cherokee Nation is the last approved Constitution we have for the Tribe. There is no 2003 Constitution.

Barbara, please gather the information on the other Tribes, asap. Please cc me in your response to Gail.

Diane Jobe

Tribal Government Officer BIA-Eastern Oklahoma Regional Office Division of Tribal Government Services 3100 W. Peak BIvd Muskogee OK 74401 918.781.4685 918.781.4649 (fax) 918.616.3628 (mobile) [Quoted text hidden]

Veney, Gail <gail.veney@bia.gov> Thu, Mar 10, 2016 at 10:28 AM To: "Jobe, Diane" <diane.jobe@bia.gov> Cc: Barbara Bush <barbara.bush@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Thanks Diane - We do have a copy of the 1975 Cherokee Constitution. I did know BIA rejected their 2003 constitution. However, on this guy's 2nd request, he requested certain documents that we did not provide to him the 1st time. So for a thorough search of what he is specifically asking for we are having to reach out to the regions, as the regions hold the most current info on their respective tribes. We are working with a SOL on this, so we will either provide the specific documents we can find or give an explanation to the SOL on the ones that we don't have info, like our traditional governing tribes or the oral tradition tribes. Thanks again, GV

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighom@bia.gov> Fri, Mar 11, 2016 at 10:14 AM

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington D.C. 20240 (202) 513-7640

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URGENT FOIA Request - Southern Plains

5 messages

Wed, Mar 9, 2016 at 4:59 PM

Veney, Gail <gail.veney@bia.gov> Wed, To: Sherry Lovin <sherry.lovin@bia.gov>, Andrea Phillips <andrea.phillips@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Hi - Our office is responding a previous FOIA request (Kemper vs. BIA), he is wanting more information. He is requesting constitutions for every tribe. Below is a list of Tribes from your Region - We realize some tribes do not have this type of governing system and we may not have a constitution or any other governing document ion file for them.

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Thank you so much for your attention to this matter - Gail

Southern Plains Region

Constitutions that have not been produced:

Cheyenne and Arapaho Tribes of Oklahoma: Current ("Constitution not produced")

Sac and Fox Nation of Oklahoma: 1937 ("Constitution not produced")

Tribes for which no constitutions or articles of incorporation have been produced

Kiowa Indian Tribe of Oklahoma

Constitutions produced w/amendments incorporated; original version not produced"

Kickapoo Tribe of Kansas: 1937 ("Constitution produced w/amendments incorporated; original version not produced")

Sac and Fox Nation of Missouri in Kansas and Nebraska: 1937 ("Constitution produced w/amendments incorporated; original version not produced")

Constitutions with portions missing: Otoe-Missouria Tribe of Indians: 2009 amendment ("**Constitution has portions missing**")

Sac & Fox Nation of Oklahoma: Amendments II, IV, V, VI ("Constitution has portions missing")

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov>

Fn, Mar 11, 2016 at 10:10 AM

FYI

Mr, Wakin'van Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

Fri, Mar 11, 2016 at 10:46 AM

Andrea Phillips <andrea.phillips@bia.gov> To: Gail Verley <gail.veney@bia.gov>, Sherry Lovin <sherry.lovin@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Terrence Bruner <terrence.bruner@bia.gov>

From: Veney, Gail [mailto:gail.veney@bia.gov] Sent: Wednesday, March 09, 2016 4:00 PM To: Sherry Lovin; Andrea Phillips Cc: Wakinyan Howaste; Laurel Iron Cloud Subject: URGENT FOIA Request - Southern Plains Hi - Our office is responding a previous FOIA request (Kemper vs. BIA), he is wanting more information. He is requesting constitutions for every tribe. Below is a list of Tribes from your Region - We realize some tribes do not have this type of governing system and we may not have a constitution or any other governing document ion file for them.

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Thank you so much for your attention to this matter - Gail

Southern Plains Region

Constitutions that have not been produced:

Cheyenne and Arapaho Tribes of Oklahoma: Current ("Constitution not produced") Attached is the most current Constitution that we have on file

Sac and Fox Nation of Oklahoma: 1937 ("Constitution not produced") Searching - I will forward in another email

Tribes for which no constitutions or articles of incorporation have been produced

Kiowa Indian Tribe of Oklahoma Attached

Constitutions produced w/amendments incorporated; original version not produced"

Kickapoo Tribe of Kansas: 1937 ("Constitution produced w/amendments incorporated<u>; original version not</u> produced") **Attached**

Sac and Fox Nation of Missouri in Kansas and Nebraska: 1937 ("Constitution produced w/amendments incorporated; original version not produced") Searching - Will forward in another email

<u>Constitutions with portions missing</u>: Otoe-Missouria Tribe of Indians: 2009 amendment ("Constitution has portions missing") **Attached**

Sac & Fox Nation of Oklahoma: Amendments II, IV, V, VI ("Constitution has portions missing") Searching - I will forward another email

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

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6 attachments
Cheyenne and Arapaho Tribes.pdf 1924K
Kiowa Indian Tribe of Oklahoma (Part 1).pdf 1649K
Kiowa Indian Tribe of Oklahoma (Part 2).pdf 1276K
Otoe-Missouria Tribe of Indians.pdf 901K
Kickapoo Tribe of Indians in KS.pdf
Sac and Fox Nation.pdf 643K

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Andrea Phillips <andrea.phillips@bia.gov> Cc: Gail Veney <gail.veney@bia.gov>, Sherry Lovin <sherry.lovin@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Terrence Bruner <terrence.bruner@bia.gov>

Good morning Spike: fyi, Response from "BIA Southern Plains Region" -

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

 Andrea Phillips <andrea.phillips@bia.gov>
 Fri, Mar 11, 2016 at 1:01 PM

 To: Wakinyan Howaste <wakinyan.howaste@bia.gov>
 Cc: Gail Veney <gail.veney@bia.gov>, Sherry Lovin <sherry.lovin@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Terrence Bruner <terrence.bruner@bia.gov>

Wakinyan,

Attached are the remaining documents

From: Howaste, Wakinyan [mailto:wakinyan.howaste@bia.gov]
Sent: Friday, March 11, 2016 10:04 AM
To: Andrea Phillips
Cc: Gail Veney; Sherry Lovin; Laurel Iron Cloud; Terrence Bruner
Subject: Re: URGENT FOIA Request - Southern Plains

Good morning Spike: fyi, Response from "BIA Southern Plains Region" -

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst

U.S. Department of the Interior

Bureau of Indian Affairs

1849 C St., NW MS-4513 Washington, D.C. 20240

(202) 513-7640

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most current Constitution that we have on file

Sac and Fox Nation of Oklahoma: 1937 ("Constitution not produced") Original attached

Tribes for which no constitutions or articles of incorporation have been produced

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Kickapoo Tribe of Kansas: 1937 ("Constitution produced w/amendments incorporated<u>; original version not</u> produced") **Attached**

Sac and Fox Nation of Missouri in Kansas and Nebraska: 1937 ("Constitution produced w/amendments incorporated; original version not produced") Original attached

<u>Constitutions with portions missing</u>: Otoe-Missouria Tribe of Indians: 2009 amendment ("Constitution has portions missing") **Attached**

Sac & Fox Nation of Oklahoma: Amendments II, IV, V, VI ("Constitution has portions missing") Amendments attached

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

D 20160311115326294.pdf 1125K



URGENT - FOIA Request - Western Region

3 messages

Veney, Gail <gail.veney@bia.gov>

Wed, Mar 9, 2016 at 5:05 PM

To: Sharlot Johnson <sharlot.johnson@bia.gov>, Sophia Torres <Sophia.torres@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Hi - Our office is responding a previous FOIA request (Kemper vs. BIA), he is wanting more information. He is requesting constitutions for every tribe. Below is a list of Tribes from your Region - We realize some tribes do not have this type of governing system and we may not have a constitution or any other governing document ion file for them.

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Thank you so much for your attention to this matter - Gail

Western Region

Tribes for which no constitutions or articles of incorporation have been produced

Skull Valley Band of Goshute Indians of Utah

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighom <spike.bighom@bia.gov>

FYI

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

Torres, Sophia < sophia.torres@bia.gov> Tue, Mar 15, 2016 at 3:55 PM To: "Veney, Gail" <gail.veney@bia.gov> Cc: Sharlot Johnson <sharlot.johnson@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Good afternoon,

The Skull Valley Band of Goshute Indians does not currently have a Constitution or Articles of Association in place. We did make the Office of Indian Services aware of this when the request for documents was requested last July regarding the Kemper FOIA. Is there other documentation you would like besides a Constitution or Articles of Association for this Tribe? Please let me know. Also, if you have any questions or need further details regarding Skull Valley please don't hesitate to ask. Thank you.

Sophia Torres [Quoted text hidden]

Sophia J. Torres, Tribal Operations Specialist Bureau of Indian Affairs, Western Regional Office Tribal Government Services 2600 N. Central Avenue Phoenix, AZ 85004 Phone: (602) 379-6786 ext. 1309 Main: (602) 379-6600 Fax: (602) 379-4100



Kemper File

2 messages

Veney, Gail <gail.veney@bia.gov>

Wed, Mar 16, 2016 at 6:01 PM To: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Spike Bighom <spike.bighom@bia.gov>

All - Here is where you can find all the documents submitted from the regions - the attachment below is also in this file - the attached is compiled regarding the info Wakinyan had sent me that we still needed.

K:\OIS\GRS 14_11 FOIA All OIS\3700 Tribal Government\FOIA BIA 2015-00421_KEMPER_Civil Action No. 115_cv_00771 (APM)\Kemper-FINAL-from GVeney

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

Documents Gathered - chart.docx ۳, 36K

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> To: "Veney, Gail" <gail.veney@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>

I have now had a chance to look at this graph. Thank so much for your work -

Laurel [Quoted text hidden]

Laurel Iron Cloud, Chief **Division of Tribal Government Services** 1849 C Street NW MS 4513-MIB Washington, DC 20240 Phone: (202) 513-7626 Fax: (202) 219-1193

Thu, Mar 17, 2016 at 10:45 AM



Update on Kemper v. BIA

7 messages

Heindl, Jennifer <jennifer.heindl@sol.doi.gov>

Mon, Mar 21, 2016 at 1:52 PM To: Spike Bighorn <spike.bighorn@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Hi all.

I got Spike's message updating me on search. Thanks very much.

I know Spike is out of office this week, so Wakinyan and Laurel, do you know if we can get the material from the regional offices out to plaintiff this week? I know you are still working on getting a smaller number of documents from the AIRR, but it would be great if we could produce this next batch of documents as soon as possible, while letting plaintiff know that we still are working on getting any remaining responsive docs that might exist at the AIRR. Our extension is running out. As I recall, these constitutions have not required much redaction, so hopefully they can be processed quickly. To the extent there are redactions, I can provide SOL review, unless you prefer to have your normal DIA contact do it.

Thanks.

Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Mon, Mar 21, 2016 at 2:29 PM

To: Gail Veney <gail.veney@bia.gov>

Cc: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>, "Mr. Wakin'yan Howa`ste"' <Wakinyan.howaste@bia.gov>

Gail:

Please see the previous email from the Solicitor Jennifer Heindl who is handling the Kemper Civil Case for the BIA.

Can you apprise the Jennifer on the status of the Kemper Constitutions?

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington. D.C. 20240 (202) 513-7640

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[Quoted text hidden]

Veney, Gail <gail.veney@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Mon, Mar 21, 2016 at 3:40 PM

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

[Quoted text hidden]

Documents Gathered - chart-complete.docx
 41K

Tony - I called and explained my information to her

Thanks a Gail~Zillion

Gail Veney

Program Analyst DOI - BIA - Office of Indian Services Division of Tribal Government Services 1849 C Street, NW, MS: 4513-MIB Washington, DC 20240

Phone: 202-208-5013

"Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, & character." - WA Ward

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Mon, Mar 21, 2016 at 4:20 PM To: Jennifer Heindl <jennifer.heindl@sol.doi.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Gail Veney <gail.veney@bia.gov>, "Mr. Wakin'yan Howa`ste''' <Wakinyan.howaste@bia.gov>

4:20 PM 3/21/16

Good afternoon Jenifer:

Attached is the chart (broken down by Region created from the list Mr. Kemper had sent to you) listing all constitutions available or not available with an explanation why the constitutions not provided are not available. If you would need clarification on the "chart of documents gathered", please contact Gail Veney at: (202) 208-5015 and she can further explain.

As a good faith effort every document that has a (red) "NO" was checked against the inventory list sent by the AIRR and only the one's that had a match are listed in blue as "Possibly a constitution at the AIRR".

I am going to send/share the constitutions available in pdf format via Google Share Drive with you. To many to send through the email. I don't believe any of them need of redaction.

The remaining 6 constitutions requested that we do not have here but are a match on the AIRR Inventory list are listed blue as "Possibly a constitution at the AIRR Page 16 of AIRR inventory list files 14 & 15". I am sending that list to the AIRR today, they are:

- 2. Native Village of Nuiqsut (aka Nooiksut)
- 3. Native Village of Scammon Bay
- 4. Nenana Native Association
- 5. Takotna Village
- 6. Telida Village

Hopefully the AIRR can get these to us by the end of this week.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington D.C. 20240 (202) 513-7640

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[Quoted text hidden]

Documents Gathered - chart-complete.G.VENEY.docx 42K

Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>, Daniel Largo <daniel.largo@bia.gov>

Mon, Mar 21, 2016 at 4:27 PM

Thanks very much. So, just to confirm, this third batch of constitutions is ready to go out without any redactions? I will let the AUSA know that you have another batch ready to go, and see if he has any comments. He may just want BIA to produce them on a disk with a very brief cover letter. But I will check in with him tomorrow. Thanks, Jennifer

Jennifer A. Heindl

Attomey Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov> Mon, Mar 21, 2016 at 4:34 PM

correct, they are ready to go, and do not need redaction.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington D.C. 20240 (202) 513-7640

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[Quoted text hidden]



Out of the office Re: Kemper uploads for SOL Jennifer per G.Veney 3.16.16 - Invitation to collaborate

1 message

Largo, Daniel <daniel.largo@bia.gov> To: wakinyan.howaste@bia.gov Tue, Mar 22, 2016 at 7:07 AM

Hello,

I will be out of the office with limited to no access to my emails starting Friday, March 11th through Fnday, March 25th, 2016 and returning on Monday, March 28th, 2016. If you need immediate assistance, please contact your Regional FOIA Coordinator or Ms. Jessica Rogers at 202.208.4223 or by email at jessica.rogers@bia.gov.

Thank you,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov



3/23/16 Draft cover letter to:Kevin R. Kemper v. US. DOI, Civil Action No. 1:15-cv-00771 APM.

8 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Wed, Mar 23, 2016 at 3:20 PM

To: Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Daniel Largo <daniel.largo@bia.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington. D.C. 20240 (202) 513-7640

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FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI Final release 3.23.16.docx 16K

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Thu, Mar 24, 2016 at 7:57 AM

Thu, Mar 24, 2016 at 9:27 AM

Hi there. Good Morning. Attached please find my edits. [Quoted text hidden]

Laurel Iron Cloud, Chief Division of Tribal Government Services 1849 C Street NW MS 4513-MIB Washington, DC 20240 Phone: (202) 513-7626 Fax: (202) 219-1193



Howaste, Wakinyan <wakinyan.howaste@bia.gov>

To: Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Spike Bighorn <spike.bighorn@bia.gov>, Daniel Largo <daniel.largo@bia.gov>

Good morning Laurel:

I do not know the exact date Jennifer received the list from Mr. Kemper, that is the email date we received it, so I highlighted the date so she can verify/correct it. Jennifer requested I draft the cover letter and that she review the draft prior to Mrs. Ortiz' or Spike's signature. The contact information (as well as the signature line) may need to be changed too, that's up to you, Jennifer and Spike to make any changes you feel are necessary.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington D.C. 20240 (202) 513-7640

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[Quoted text hidden]

FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI Final release 3.24.16 Imi.docx 18K

Iron Cloud, Laurel <laurel.ironcloud@bia.gov> Thu, Mar 24, 2016 at 9:32 AM To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Spike Bighorn <spike.bighorn@bia.gov>, Daniel Largo <daniel.largo@bia.gov>

Alright, then. The content of the letter is ok by me and I will leave the format and contact info to the experts.

Laurel [Quoted text hidden]

Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Thu, Mar 24, 2016 at 10:59 AM

Hi Wakinyan,

Here are rny edits for your consideration. I have simplified the letter so that it simply says what we are producing and that we are in the process of searching for a few remaining potentially responsive documents in the AIRR. Happy to discuss more. Once we get the letter in a form we are all happy with, I will provide the draft letter to the AUSA for his approval, then we can send this release out.

Thanks,

Jennifer

Jennifer A., Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 20/2-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI Final release 3.23.16 (1)6jah.docx 20K

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Thu, Mar 24, 2016 at 6:29 PM To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov> Cc: Daniel Largo <daniel.largo@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good afternoon Jennifer: I accepted the edits on the draft and it looks real good. I haven't finished counting the pages to each constitution yet but I will real soon. The AIRR is about to send the requested documents so maybe we will have a complete count for the final draft.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI Final release 3.23.16 (1)6jah (1).docx 18K

Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Fri, Mar 25, 2016 at 11:05 AM

Hi,

If you think we will have everything, including the AIRR documents, soon and could make one final release early next week, I am fine with doing that. I haven't heard back from the AUSA, but will share the latest version of letter with him today, and see if he responds. Thanks,

Jennifer

Jennifer A. Heindl Attorney Advisor Office of the Solicitor Division of General Law Branch of General Legal Services Voice: 202-208-7094 Fax: 202-219-1790

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Fri, Mar 25, 2016 at 11:12 AM To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, Daniel Largo <daniel.largo@bia.gov>

Good morning Jennifer:

Yes I am expecting the AIRR documents shortly. I will be back in the office on Tuesday next week and I will advise the status.

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington. D.C. 20240 (202) 513-7640

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[Quoted text hidden]



AIRR Search Request # 940 3541 - for "Kemper v. BIA "

13 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Tue, Mar 22, 2016 at 10:47 AM To: Joseph Gray <joseph_gray@ost.doi.gov>, Curtis Kekahbah <curtis_kekahbah@ost.doi.gov> Cc: Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Spike Bighom <spike.bighom@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Good morning Mr. Gray & Mr. Kekahbah:

Please find attached individual pages selected from AIRR inventory list you provided for Search Request 940 3541. Highlighted in yellow are the 9 documents we would like. They are indicated by the page they are located on. i.e. "page 3 of 116" followed by the file number:

- 1. Nenana FY 89 see "Page 3 of 116 / file 14"
- 2. Telida FY 93 see "Page 4 of 116 / file 1"
- 3. Scarnmon Bay see "Page 5 & 6 of 116 / file 13"
- 4. Nenana 054.3. FY 82 see Proposed Constitution "Page 9 of 116 / file1"
- 5. Takotna see "Page 14 of 116 / file 4
- 6. Healy Lake 01/82 NC 08/18/88 5/04/89 see "Page 16 of 116 / file 14
- 7. Healy Lake see "Page 16 of 116 / file 15"
- 8. Akiachak see "Page 21 of 116 / file 12"
- 9. Tribal Constitution Cachil Dehe... see "Page 28 of 116 / file 7"

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Iridian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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2 attachments
AIRR Inventory 9 documents.pdf 7358K

940 3541 3_26_16 memo with sharepoint doc.pdf 76K

Kekahbah, Curtis <curtis_kekahbah@ost.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Joseph Gray <Joseph_Gray@ost.doi.gov>

Wed, Mar 23, 2016 at 8:33 AM

Mr. Wakinyan, I will have these documents sent to you ASAP. Thank you and have a good day.

CURTIS C. KEKAHBAH

Archives Technician

American Indian Records Repository

curtis_kekahbah@ost.doi.gov

T: 913-956-2682

F: 913-956-2685

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Wed, Mar 23, 2016 at 8:39 AM To: "Kekahbah, Curtis" <curtis_kekahbah@ost.doi.gov> Cc: Joseph Gray <Joseph_Gray@ost.doi.gov>, Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Spike Bighom <spike.bighom@bia.gov>

Good morning Curtis: We appreciate your prompt response. I will forward your message on to our Solicitor Jennifer Heindl. Thank you kindly.

Mr. Wakin'yan Howa`ste' (Lakota) Program Arialyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Excellent, sounds like we will be able to wrap up the production soon. Thanks, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

Kekahbah, Curtis <curtis_kekahbah@ost.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Cc: Joseph Gray <Joseph_Gray@ost.doi.gov> Thu, Mar 24, 2016 at 2:41 PM

Mr. Howaste,

The boxes that are needed to complete your request have been delivered. A question that I have is, would you prefer that I pull specific documents from the files requested or, would you like for me to copy and send the entire file(s).

The original request I believe was asking for Tribal Corporate Charters and Constitutions.

Please advise and have a good day.

CURTIS C. KEKAHBAH

Archives Technician

American Indian Records Repository

curtis_kekahbah@ost.doi.gov

T: 913-956-2682

F: 913-956-2685

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Kekahbah, Curtis" <curtis_kekahbah@ost.doi.gov> Thu, Mar 24, 2016 at 3:26 PM

Good afternoon Curtis:

We are specifically looking for

Tribal Constitutions Constitutions and By-Laws Articles of Incorporation

But if the documents in the particular file don't appear to be clear to you what it is, you can copy and send the entire file and we can sort it out here.

Thank you

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

Kekahbah, Curtis <curtis_kekahbah@ost.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Thu, Mar 24, 2016 at 3:50 PM

Got it. I think it would be better if I just send the entire file. I will have your documents back to you ASAP. If you have any further questions please let me know. Have a good day.

CURTIS C. KEKAHBAH

Archives Technician

American Indian Records Repository

curtis_kekahbah@ost.doi.gov

T: 913-956-2682

F: 913-956-2685

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Thu, Mar 24, 2016 at 6:25 PM To: Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Daniel Largo <daniel.largo@bia.gov>, Spike Bighorn <spike.bighom@bia.gov>

fyi

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

Kekahbah, Curtis <curtis_kekahbah@ost.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Tue, Mar 29, 2016 at 9:53 AM

Mr. Howaste,

I will have your request completed today. Have you used our Sharepoint method of document delivery before?

If that is not convenient for you I can put the requested documents on an encrypted disk for you and send it via Fed Ex.

Please advise and have a good day.

CURTIS C. KEKAHBAH

Archives Technician

American Indian Records Repository

curtis_kekahbah@ost.doi.gov

T: 913-956-2682

F: 913-956-2685

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Kekahbah, Curtis" <curtis_kekahbah@ost.doi.gov> Cc: Jennifer Heindl <jennifer.heindl@sol.doi.gov>, Spike Bighom <spike.bighom@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>

Good morning Curtis: Sharepoint will work for us.

Thank you

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Tue, Mar 29, 2016 at 10:41 AM

Hi Wakinyan,

So we can add these to the currently planned release? Do you think we can do that and get everything out this week? Our last extension is just about up. Thanks, Jennifer

Jennifer A. Heindl

Attomey Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov> Tue, Mar 29, 2016 at 11:23 AM

yes

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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[Quoted text hidden]

Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Tue, Mar 29, 2016 at 11:44 AM

Great. We will need to slightly alter the letter, but other than that, I think we will be good to go. Thanks very much, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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,

[Quoted text hidden]



BIA 2015 00421_KEMPER_K - 4.5.16 FEDEX pkg delivered

1 message

Howaste, Wakinyan <wakinyan.howaste@bia.gov>

Fri, Apr 8, 2016 at 2:02 PM

To: Jennifer Heindl <jennifer.heindl@sol.doi.gov>

Cc: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Attached is the Fed Ex Tracking delivery confirmation for: FEDEX pkg 8592 9831 6820 - Delivered 4.5.16

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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4.5.16 FEDEX pkg BIA 2015 00421_KEMPER_K04082016_0000.pdf 2729K



Kemper final Response Fedex info

9 messages

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Jennifer Heindl <jennifer.heindl@sol.doi.gov> Fri, Apr 1, 2016 at 2:48 PM

Jenifer: Do you know if Mr. Kemper provided a new telephone number for his new address? Or is it the same as previous?

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Fri, Apr 1, 2016 at 2:54 PM

Hi Wakinyan,

I was only provided with a new delivery address, not a new phone number. Thanks, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

Hi Wakinyan,

AUSA was just checking to see if this went out on Friday. Can you send me the Fed Ex receipt so I can send to him. Thanks very much, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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On 1 April 2016 at 14:48, Howaste, Wakinyan <wakinyan.howaste@bia.gov> wrote: [Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> Mon, Apr 4, 2016 at 10:11 AM To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Laurel Iron Cloud <laurel.ironcloud@bia.gov>, "Mr. Wakin'yan Howa`ste" <Wakinyan.howaste@bia.gov>

Hello Jennifer: Yes the Fed-Ex package went out on Friday 4/1/16/3:330 PM

Mr. Wakin'yan Howa`ste' (Lakota) Program Analyst - Records Management Officer U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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3 attachments

Fed Ex US AIRBIL_FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI_4.01.16.whw.pdf 5344K

FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI_Final 4.1.16_whw1.pdf

Discs 1 though 4 Kemper.docx 155K

Heindl, Jennifer <jennifer.heindl@sol.doi.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Mon, Apr 4, 2016 at 10:16 AM

Tue, Apr 26, 2016 at 9:44 AM

Great, Thanks, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Daniel Largo <daniel.largo@bia.gov>

Good morning Mr. Largo:

Yes the Final package went out on 4/1/6. The Fed-Ex Tracking indicates the package was delivered to Mr. Kemper's residence on 4/5/16.

U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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4.5.16 FEDEX pkg BIA 2015 00421_KEMPER_K04082016_0000.pdf 2729K

Largo, Daniel <daniel.largo@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Thank you. Can you provide a copy of the signed final letter?

Thanks again,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: "Largo, Daniel" <daniel.largo@bia.gov> Tue, Apr 26, 2016 at 9:50 AM

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3 attachments

FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI_Final 4.1.16_whw1 (2).pdf 792K

Fed Ex US AIRBIL_FOIA_BIA_2015_00421_Kevin R. Kemper v. US. DOI_4.01.16.whw (1).pdf 5344K

Discs 1 though 4 Kemper (1).docx 155K Tue, Apr 26, 2016 at 9:46 AM

Largo, Daniel <daniel.largo@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov> Tue, Apr 26, 2016 at 9:52 AM

Thank you, Sir.

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

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Kemper v. BIA

10 messages

Heindl, Jennifer <jennifer.heindl@sol.doi.gov>

Wed, May 4, 2016 at 11:30 AM

To: Daniel Largo <daniel.largo@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Hi Daniel,

So plaintiffs have reviewed the additional documents BIA provided and have expressed a willingness to settle. They want a declaration from BIA FOIA stating that BIA has searched all the relevant offices/locations for responsive documents and reasonably believes it has produced all tribal constitutions. I can draft that for your review, hopefully by the end of the week.

Plaintiffs are claiming \$16,322 in costs and fees, but have stated that they would accept 12,700. The AUSA and I have discussed and think this is reasonable considering plaintiff had to come back multiple times to get all the documents, and we found a large number of documents even after BIA FOIA repeatedly said it had done a full search. Please let us know as soon as you can if you are willing to settle for \$12,700 (and a declaration regarding the search). Thank you, Jennifer

Jennifer A. Heindl

Attomey Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

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Largo, Daniel <daniel.largo@bia.gov> Wed, May 4, 2016 at 11:35 AM To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighom <spike.bighom@bia.gov>

Jennifer:

Thank you for your email but I feel that this litigation cost should be coming from BIA - Indian Services Deputy Director, Hankie Ortiz as well as the declaration as they are the subject matter experts who have reached out to the regions and also have conducted a search within their office.

Thank you,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB

Washington, DC 20240 202-208-3135 (Main) (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Heindl, Jennifer < jennifer.heindl@sol.doj.gov> To: "Largo, Daniel" <daniel.largo@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>, Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighom <spike.bighom@bia.gov>

Hi Daniel.

It is of course up to BIA what office is responsible for payment, but as the BIA FOIA officer, you will need to provide the declaration. Please coordinate with the relevant BIA decisionmakers regarding whether or not to accept the offer, and get back to me as soon as you can.

Thanks very much, Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

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[Quoted text hidden]

Largo, Daniel <daniel.largo@bia.gov>

To: Hankie Ortiz <hankie.ortiz@bia.gov>, Spike Bighorn <spike.bighorn@bia.gov> Cc: Wakinyan Howaste <wakinyan.howaste@bia.gov>

Good morning, Ms. Ortiz and Mr. Bighorn:

Please see below on the settlement regarding the Kemper FOIA that is currently in litigation. The plaintiffs are willing to settle for \$12,700. Please let me know if that is acceptable by your office.

I can proceed forward with signing off on the declaration on behalf of the BIA. Please advise as soon as you can.

Thank you,

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs Wed, May 4, 2016 at 11:49 AM

Wed, May 4, 2016 at 11:45 AM

1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Howaste, Wakinyan <wakinyan.howaste@bia.gov> To: Spike Bighorn <spike.bighorn@bia.gov>

fyi

Mr. Wakinyan HoWa'ste` Records Management Officer/FOIA Coordinator Office of the Deputy Bureau Director - Indian Services U.S. Department of the Interior Bureau of Indian Affairs 1849 C St., NW MS-4513 Washington, D.C. 20240 (202) 513-7640

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----- Forwarded message ------From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov> [Quoted text hidden]

Bighorn, Spike <spike.bighom@bia.gov> To: "Howaste, Wakinyan" <wakinyan.howaste@bia.gov>

Hi Wakinyan:

Hankie and I will be meeting on this issue this afternoon and I will brief you when we are done.

Spike

Spike Bighorn, Associate Deputy Director Office of Indian Services Bureau of Indian Affairs 1849 C Street N.W. MS-4513-MIB Washington, D.C. 20240 Desk Phone: 202-208-6941 Cell Phone: 202-499-0482 Fax: 202-208-5113 Email: spike.bighom@bia.gov [Quoted text hidden] Wed, May 4, 2016 at 12:11 PM

Wed, May 4, 2016 at 1:00 PM

Hankie Ortiz <hankie.ortiz@bia.gov> To: "Largo, Daniel" <daniel.largo@bia.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Reluctantly, we agree to settle the case for \$12,700. I understand that you will be signing the Declaration. If there is anything else we need to do, please let me know.

Hankie P. Ortiz Deputy Bureau Director Office of Indian Services Bureau of Indian Affairs 1849 C. Street, NW MS 4513-MIB Washington, DC 20240 telephone: 202.513.7640 fax: 202.208.5113 Hankie.Ortiz@BIA.gov [Quoted text hidden]

Thu, May 5, 2016 at 8:14 AM

Largo, Daniel <daniel.largo@bia.gov> To: Hankie Ortiz <hankie.ortiz@bia.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Thank you, Hankie. I appreciate you and your staff's assistance in completing the final response to the requester.

Respectfully, Daniel Largo, Jr., Indian Affairs FOIA Officer U.S. Department of the Interior Assistant Secretary - Indian Affairs 1849 C Street, NW, MS 3070-MIB Washington, DC 20240 (Main) 202-208-3135 (Direct) 202-208-5097 (Fax) 202-208-6597 E-mail: Daniel.Largo@bia.gov

[Quoted text hidden]

Hankie Ortiz <hankie.ortiz@bia.gov> To: "Largo, Daniel" <daniel.largo@bia.gov> Cc: Spike Bighorn <spike.bighorn@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>

Thu, May 5, 2016 at 8:20 AM

Thank you for your assistance, Daniel.

Hankie P. Ortiz Deputy Bureau Director Office of Indian Services Bureau of Indian Affairs 1849 C. Street, NW MS 4513-MIB Washington, DC 20240 telephone: 202.513.7640 fax: 202.208.5113 Hankie.Ortiz@BIA.gov [Quoted text hidden]

Hankie Ortiz <hankie.ortiz@bia.gov>

To: "Largo, Daniel" <daniel.largo@bia.gov>

Cc: Spike Bighom <spike.bighom@bia.gov>, Wakinyan Howaste <wakinyan.howaste@bia.gov>, kara.john@bia.gov

Good moming Wakinyan,

Because of this settlement, I want to be made aware every time Indian Services is given a FOIA. As soon as you receive it, I would like for you to schedule time with Kara to sit down with Spike and me to discuss with you and the Division Chief of the Division that will be responding. During that discussion, please be prepared to present the request, explain what the requester is asking, and review the detailed plan to respond. I hope, through this new process, that we can avoid similar problems in the future.

Kind regards,

Hankie P. Ortiz Deputy Bureau Director Office of Indian Services Bureau of Indian Affairs 1849 C. Street, NW MS 4513-MIB Washington, DC 20240 telephone: 202.513.7640 fax: 202.208.5113 Hankie.Ortiz@BIA.gov [Quoted text hidden]