



-WOHEHIV-
The Morning Star

NORTHERN CHEYENNE TRIBAL COUNCIL

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



-WOHEHIV-
The Morning Star

February 11, 2026

RECEIVED
BRANCH OF ADMINISTRATION

FEB 23 2026

NORTHERN CHEYENNE AGENCY
LAME DEER, MT 59043

HAND DELIVERY

Andrew Werk, Superintendent
Northern Cheyenne Agency, Bureau of Indian Affairs
P.O. Box 40
Lame Deer, MT 59043

Re: Chief's February 6, 2026 Declarations and Implications Concerning The Lawfully
Elected Tribal Council's Request for BIA Recognition

Superintendent Werk:

The Northern Cheyenne Tribal Council submits this supplemental notice to update the administrative record regarding developments that materially affect the Bureau's continued reliance on internal tribal processes and exhaustion principles.

On February 6, 2026, the Traditional Chiefs Council issued formal removal letters to additional Tribal Council members, including individuals who had replaced members of the duly elected Council. The letters state there will be "no hearing" and that "the decision of the Traditional Chiefs Council will be final." They assert authority under "Traditional Law" to remove elected officials where the Council allegedly lacks quorum.

These removals confirm that the governing structure presently operating under the Chiefs is not constrained by the constitutional removal procedures set forth in Article VII. The Constitution requires a two-thirds vote of the Tribal Council after affording the accused member a fair opportunity to be heard. The February 6 letters instead declare unilateral removal without hearing and declare the Chiefs' decision final.

The absence of due process protections, coupled with the declaration that the Chiefs' decision is final and unreviewable, demonstrates that the authority presently being exercised is not operating within, or subject to, the constitutional framework governing elected offices. Where removal occurs without hearing and is declared final, there is no clear mechanism ensuring that constitutional checks—including judicial review—would bind or constrain that authority.

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

This has direct implications for the Bureau's repeated suggestion that the duly elected Council must seek relief in Tribal Court.

As previously explained to the Bureau, the Northern Cheyenne Constitutional Court has held that the Tribe's Code allows the Tribal Council to appear only as defendants. Under that structure, the Council cannot initiate suit to prove its own lawful status. Placing the burden on the duly elected Council to affirmatively prove to the Bureau—or to a court—that it was unlawfully removed is therefore inconsistent with the Tribe's own procedural framework.

If the Chiefs assert authority to remove constitutionally elected officials, the burden logically rests on them to demonstrate, in a proper constitutional forum, that such authority exists under the Tribe's Constitution. That allocation of burden is consistent with basic due process principles and with the Tribe's own procedural rules, which position the Council as defendants rather than plaintiffs.

The February 6 removals reinforce this point. The Chiefs are exercising removal authority without constitutional process and declaring their decisions final. Under those circumstances, requiring the duly elected Council to initiate litigation to disprove removals—while the asserting authority need not prove its own power—effectively reverses the proper burden and renders internal remedies illusory.

Moreover, if the Chiefs' decisions are declared final and not constitutionally constrained, there is no guarantee that even a Tribal Court ruling recognizing the duly elected Council would be respected or implemented. A system in which removal authority is exercised without hearing and without acknowledged judicial constraint cannot reasonably be expected to produce a stable, enforceable internal resolution.

Under *Goodface v. Grassrope*, 708 F.2d 335 (8th Cir. 1983), and subsequent IBIA precedent, the Department has an obligation to identify a governing body for federal purposes where internal disputes prevent orderly governance. Deference presumes a functioning constitutional structure in which authority is bound and judicial determinations are operative. The February 6 removals demonstrate that such enforceable constitutional constraint is not presently operative.

Accordingly, continued deferral does not promote tribal self-government; it perpetuates instability while improperly shifting the burden of proof onto those who were elected pursuant to ordinance and constitutional procedure. The burden should rest on those asserting extra-constitutional removal authority to demonstrate that such authority exists.

For these reasons, the Council respectfully renews its request that the Bureau issue a written interim recognition determination consistent with IBIA precedent and the Department's responsibility to stabilize government-to-government relations.

A response to our previous requests is long overdue. If we do not receive a response to our letters requesting recognition by the end of business on Tuesday, February 17, 2025, we will file an appeal with the IBIA.

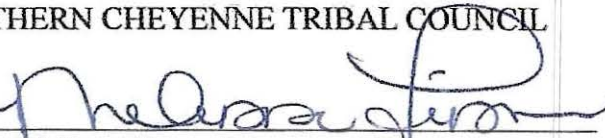
This submission is made to preserve the administrative record and the Council's rights on appeal.

Respectfully,

Respectfully,

NORTHERN CHEYENNE TRIBAL COUNCIL

By:


Melissa Fisher, Sergeant at Arms
Northern Cheyenne Tribal Council

Phone:

(406) 720 0854

Email:

melisfish79@gmail.com

Attachment: February 6, 2026 Tribal Council Member Removal Letter

Tribal Council Member Removal Letter
Formal Notice of Removal

NORTHERN
CHEYENNE

FEB 10 2026

TRIBAL COUNCIL
RECEIVED

DATE: 02/06/2026

TO: (1) Cory Davis, (2) Cory Spotted Elk, (3) Renéea Roundstone, and (4) Wade Redhat

Dear Tribal Council Members,

This letter serves as formal notice of removal of your Tribal Council Member positions with the Northern Cheyenne Tribe, effective immediately as of 02/06/2026.

The above-mentioned Tribal Council Members did not attend or left the meeting and broke quorum of the previous two tribal council meetings which were lawfully convened by the Tribal President. The first tribal council meeting was on January 16, 2026, and the second tribal council meeting was on January 26, 2026. The Tribal Council Members provided no notice of non-attendance nor an explanation regarding their subsequent absence of their duties.

The Traditional Chiefs Council issued three verbal warnings that the entire Northern Cheyenne Tribal Council would execute the duties of their office in the best interest of the Northern Cheyenne Tribe, the above-mentioned Tribal Council Members have been determined not to have done so.

The above-mentioned Tribal Council Members are in violation of Article VII of the Bylaws - Code of Ethics, Sections 1 and 2, (2)(a) discharge the duties and exercise the powers of office in good faith and in a manner which the Tribal Official believes will best serve the interests of the Tribe; and (2)(g) not knowingly make any false statement in any official statement, report, certificate or other document, presented to or on behalf of Tribal government or the Tribal membership, which has an adverse effect on significant interests of the Tribe or its membership.

The above-mentioned Tribal Council Members have violated Article VII in the Tribal Constitution - Removal From Office, Filling Vacancies, Section 2, Removal From Office, "any officer or councilman who shall fail to perform the duties assigned to him or shall be guilty of gross neglect may be removed by two-thirds (2/3) vote of the Tribal Council, after affording the accused member a fair opportunity to be heard in his own defense. The decision of the Tribal Council shall be final." Since the Tribal Council will not have a quorum, the Traditional Chiefs Council shall have the authority under Traditional Law, to remove the above-mentioned Tribal Council Members. The above-mentioned Tribal Council Members have failed to perform their duties and have been found guilty of gross neglect by the Traditional Chiefs Council.

After careful consideration, the decision has been made to end your employment with the Northern Cheyenne Tribe. This action is taken in accordance with the Northern Cheyenne Tribe's constitutional policies and procedures and under the authority of the Traditional Chiefs Council. Please note that your final paycheck, including any accrued benefits and unused vacation days,

will be provided to you in accordance with applicable laws and the Northern Cheyenne Tribe's policy. There will be no hearing; the decision of the Traditional Chiefs Council will be final.

You are required to return all Northern Cheyenne Tribe's property, including keys, identification cards, laptops, and any other materials belonging to the Northern Cheyenne Tribe, by your last day of employment. Your last day of employment will be effective immediately upon the date of this letter.

Please contact Human Resources Department Director Denise Swank to arrange the return of these items and to discuss any questions regarding your final compensation and benefits.

We appreciate your contributions during your time with us and wish you success in your future endeavors.

(X) Traditional Chiefs Council

Larry Medicine Bull

Hobert Black Hawk

Ch. Muceler

James A. Kernal