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September 15, 2025

United States Department of the Interior
Bureau of Indian Affairs
Northern Cheyenne Agency
P.O. Box 40
Lame Deer, MT 59043

Re: Improper Refusal to Recognize Binding Legal Authority of the Declaration of the Chiefs of the Northern Cheyenne Tribe under Northern Cheyenne Traditional Law

Dear Superintendent Werk,

This firm represents the Chiefs of the Northern Cheyenne Tribe who submitted to you their September 11, 2025 Declaration, made pursuant to their inherent authority under Northern Cheyenne Traditional Law, regarding certain intramural matters. The Chiefs invoked their unquestionable authority with respect to leadership on important decisions for the Tribe, traditional laws and culture, and management of Tribal resources. The Chiefs' Declaration followed days of their careful deliberation, consistent with hundreds of years of Cheyenne lifeways and spiritual practices. As is well within their inherent authority, the Chiefs took action to remove from leadership positions individuals they determined had violated the trust of the Cheyenne People through "extensive theft, misuse of resources and misconduct." While stating that the Bureau appreciates and respects the traditional and cultural ways of the Tribe, your September 12, 2025 letter nonetheless ignores the Chiefs' Declaration, which is self-enforcing. We urge your reconsideration of your improper continuing recognition of the individuals as duly-governing that the Chiefs removed from the Tribal Council.

Express Constitutional Reservation of Traditional Law Powers. First, the Cheyenne People expressly reserved their Traditional Law powers, as exercised by the Chiefs, in the Tribe's Indian Reorganization Act Constitution:

Reserved Powers. Any right and powers heretofore vested in the Northern Cheyenne Tribe but not expressly referred to in this Constitution shall not be abridged by this article [(Powers of the Tribal Council)], but may be exercised by the people of the Northern Cheyenne Tribe ...

Northern Cheyenne Constitution, Article IV, Section 3.

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Albany, Amsterdam, Atlanta, Austin, Berlin, Boca Raton, Boston, Chicago, Dallas, Delaware, Denver, Fort Lauderdale, Houston, Las Vegas, London*, Los Angeles, Mexico City, Miami, Milan, Minneapolis, Nashville, New Jersey, New York, Northern Virginia, Orange County, Orlando, Philadelphia, Phoenix, Sacramento, San Francisco, Seoul†, Shanghai, Silicon Valley, Tallahassee, Tampa, Tel Aviv, Tokyo, Warsaw*, Washington, D.C., West Palm Beach, Westchester County.

The Constitution says nothing to infringe on the Chiefs' authority with respect to Northern Cheyenne Traditional Law in any way. This is because the Chiefs are and always have been the voice of the People and body responsible for exercise of the Cheyenne spiritual / legal / societal faith, which have always been thought of "all together" as stated by Stands in Timber, and explained more fully below. The Council serves at the pleasure of the Cheyenne People with limited powers enumerated in the Constitution, largely related to intergovernmental relations, administrative tasks and business matters. The Chiefs predate the Constitution and are also the ultimate legal and adjudicatory authority for the Tribe. Indeed, the Northern Cheyenne Law and Order Code invokes traditional law and remedies in numerous places, such as the probate and child welfare titles. The Northern Cheyenne Evidence Code provides at Title VI(2):

Tribal Custom and Tradition: Custom and tradition may be used as evidence. Any conflicting procedural rule shall be superseded by the specific presentation of custom and tradition. When procedural rules are superseded in accordance with this section, the custom and tradition and reasons for its use shall be included in the Findings of Fact and Conclusions of Law prepared by the court. Reservation custom and tradition shall be established by testimony or affidavit of an expert or by the judge. An expert is an elder or other person recognized by the community as knowledgeable in customs and traditions.

Thus, the Northern Cheyenne Law and Order code expressly recognizes the supremacy of Northern Cheyenne Traditional Law. If the Chiefs' Declaration were challenged in the Northern Cheyenne Tribal Court, the Court would be bound by both the Code and Northern Cheyenne Traditional Law to enforce it. This is mandatory and not permissive. There is no other possible result under any source of Cheyenne Law, as Northern Cheyenne Traditional Law is not reviewable.¹

The Chiefs' Declaration. Second, the Chiefs exercised precisely these Reserved Powers in their Declaration. They reviewed documents and testimonies and contemplated the evidence they considered in light of Northern Cheyenne Traditional Law. The Chiefs did not and do not need the Bureau's permission to remove leaders from office that they have determined have transgressed against their relatives. The Chiefs are the peacemakers and their Declaration is self-enforcing. Additionally, the Chiefs' removal Declaration is consistent with the Tribe's Treaty promises under Article 1, the Bad Men provisions of the Treaty of Fort Laramie of May 10, 1868, to deliver up wrongdoers to the United States.

Northern Cheyenne Traditional Law. Next, it is important to understand that the Chiefs have exercised their inherent authority and sacred place of confidence for the Cheyenne People since the days of Sweet Medicine, the hero prophet who, after meeting with the Holy People, gave

¹ The Northern Cheyenne Tribal Court has held exactly that many times. For example, in a series of cases in the 1990s, groups sought injunctive relief requiring the transfer of the Sacred Hat. The Court dismissed each of those cases, finding the Court had no jurisdiction to review Northern Cheyenne Traditional Law determinations of the Chiefs.

the Cheyenne Tribe their laws and ways of living.² The Chiefs and Societies were organized by Sweet Medicine to protect the People. The Chiefs are the keepers of the Sacred Covenants (Sacred Hat and Sacred Arrows), the foundations of Cheyenne spiritual faith:

Sweet Medicine organized the soldiers and the chiefs and then taught them about the Sacred Arrows and the laws of the Tribe. These things were all thought of together; one could not exist without the others. They were begun together and they are together in the minds of the Cheyenne people even now. The Cheyennes say that the eagle on the American silver dollar is the emblem of their chiefs and that he is holding the four arrows to prove that what Sweet Medicine brought is not dead. ... [T]he chiefs were the real power of the tribe, and their organization ceremony still follows the pattern that Sweet Medicine taught them.³

For centuries, the Chiefs have been the peacemakers of Cheyenne society, but also the ones to stand to protect Cheyenne land and People.⁴ “The Chiefs made decisions according to the will of the people and each other.”⁵ A pioneer study in legal anthropology characterized Northern Cheyenne Traditional Law that the Chiefs implement as “legal genius.”⁶ Countless articles and books have referenced Northern Cheyenne Traditional Law as a renowned model for social harmony and governance,⁷ so much so that the Chiefs even have their own [Wikipedia](#) page, which notes contemporary Chiefs such as Senator Ben Nighthorse Campbell and their continuing moral authority.⁸

Northern Cheyenne Traditional Law, and the Chiefs’ inherent authority thereunder, is recognized and respected under Federal Indian Law.⁹ Your refusal to recognize the Chiefs’ authority is contrary to that body of law and interferes with internal Northern Cheyenne affairs.

² See GEORGE B. GRINNELL, *BY CHEYENNE CAMPFIRES* (2d ed. New Haven, 1962), p. xxii; G.A. DORSEY, *THE CHEYENNE*, Field Museum Anthropological Series (2 Vols. Chicago, 1905); A.L. KROEBER, “Cheyenne Tales,” *Journal of American Folklore*, 13 (1900), 161-90; R.W. RANDOLPH, *SWEET MEDICINE AND OTHER STORIES OF THE CHEYENNE INDIANS* (Caldwell, 1937).

³ JOHN STANDS IN TIMBER AND MARGOT LIBERTY, *CHEYENNE MEMORIES*, Yale University, 1967, p. 42.

⁴ *Id.* at p. 44.

⁵ *Id.* at p. 54.

⁶ K.N. LLEWELLYN AND E.A. HOEBEL, *THE CHEYENNE WAY: CONFLICT AND CASE LAW IN PRIMITIVE JURISPRUDENCE* (Norman, University of Oklahoma Press, 1941).

⁷ See *Stands in Timber* at pp. 303-310 for a partial bibliography.

⁸ POWELL, PETER J. *SWEET MEDICINE: THE CONTINUING ROLE OF THE SACRED ARROWS, THE SUN DANCE, AND THE SACRED BUFFALO HAT IN NORTHERN CHEYENNE HISTORY* (Norman: University of Oklahoma Press (1979)) (a two-volume work by an Anglican priest who operated St. Augustine’s Indian Center in Chicago, examining Cheyenne religion as a theological canon worthy of intensive Western study).

⁹ *Williams v. Lee*, 358 U.S. 217, 220 (1959) (upholding the rights of reservation Indians to make their own laws and be governed by them). From the earliest years of the republic, courts have recognized the political independence

Federal and International Law Require You to Honor the Chiefs' Declaration.

Fourth, under U.S. Supreme Court precedent and every tenant of modern international human rights law, you must honor the Chiefs' exercise of their Reserved Powers under the Constitution and pursuant to their inherent authority.

The Northern Cheyenne Tribe, like all tribes, is governed by their own law—Tribal law—which set the standards and norms for how the community was and is organized. Indian tribes have been acknowledged since the earliest interactions with colonial powers as “sovereign.”¹⁰ Claiming supremacy over all subordinate sovereigns, the U.S. constitutional structure reaffirmed this status, making clear that Indian nations were in a sovereign-to-sovereign relationship with the United States.¹¹

At the same time, tribes were not parties to the Constitutional Convention. Thus, though tribes are mentioned three times in the U.S. Constitution, they have not been brought directly within its ambit; tribal governments are not, for example, constrained by the Constitution's Bill of Rights.¹² For hundreds of years, then, tribal sovereignty has been generally understood to include all those rights inherent in sovereignty that tribes have retained, unless those rights have been

and self-governing status of Indian tribes. *See also Cherokee Nation v. Georgia*, 30 U.S. 1 (1831) (classifying tribes as “domestic dependent nations”); *Worcester v. Georgia*, 31 U.S. 515, 559 (1832) (explaining that the tribes are “distinct independent political communities, retaining their original natural rights” and not dependent on federal law for their powers of self-government). An Indian nation's sovereignty is not the result of reparations or a specific grant of authority by Congress, but rather the “inherent powers of a limited sovereignty which has never been extinguished.” *United States v. Wheeler*, 435 U.S. 313, 322-323 (1978); *see also Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 58, 60 (1978) (“As separate sovereigns pre-existing the Constitution, tribes have historically been regarded as unconstrained by those constitutional provisions framed specifically as limitations on federal or state authority...”).

¹⁰ The sovereignty of Indian nations was embodied in the treaty relationship, first with the European powers, and ultimately, with the United States:

The treaty-making authority was eventually constitutionalized in Article II of the U.S. Constitution, which states: “[The President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties.” This provision, along with the Supremacy Clause, made treaties the supreme law of the land . . . [T]aken together, the Treaty Clause and the Indian Commerce Clause provide two constitutional bases for sovereign-to-sovereign relations between the United States and Indian nations.

Angela R. Riley, *Native Nations and the Constitution: An Inquiry Into “Extra-Constitutionality”*, 130 HARV. L. REV. F. 173, 179 (2017).

¹¹ *See Worcester*, 31 U.S. at 557 (“The treaties and laws of the United States contemplate the Indian territory as completely separated from that of the states; and provide that all intercourse with them shall be carried on exclusively by the government of the union”).

¹² *See Talton v. Mayes*, 163 U.S. 376, 384–85 (1896) (holding that the U.S. Constitution does not apply to the grand jury indictment of an Indian defendant in Indian country); *Santa Clara Pueblo*, 436 U.S. at 71–72 (holding that the Indian Civil Rights Act does not provide for a cause of action in federal court outside of a petition for habeas).

ceded or abrogated by the U.S. Congress through its plenary power in Indian affairs.¹³ A core tenet of federal Indian law, therefore, maintains that tribes have the right to “make their own laws and be ruled by them.”¹⁴

Yet despite the 20th Century shift to the Indian Self-Determination policy embraced by President Nixon and every President since, for more than a hundred years, Congress attacked tribal governance systems along with tribal cultures and lifeways, passing laws that dismantled and even criminalized tribal governments in addition to breaking hundreds of treaties with Indian nations.¹⁵ A first turning point toward self-determination came in 1934, with the passage of the Indian Reorganization Act (IRA),¹⁶ which was designed to stop and even reverse some of the impacts of the assimilation era policies. The IRA called for an end to allotment, created a legislative process for the reacquisition of Indian lands, and—critical to this inquiry—delineated a mechanism for the organization of tribal governments through the massive rollout of IRA constitutions.¹⁷ Despite the much-analyzed shortcomings of the boilerplate templates for governance—the IRA constitutions nevertheless allowed for a moment of restructuring for tribes that had been under the colonial domination of the United States for more than one hundred years. The Northern Cheyenne Tribe adopted an IRA Constitution in 1935 and amended it in 1960 and 1996.

The Northern Cheyenne Tribe retains all its inherent attributes of sovereignty that have not been divested by Congress. Your proper inquiry with respect to the Tribe’s exercise of its sovereignty here—through the Chiefs is—whether Congress—which exercises plenary power over Indian affairs—has limited that sovereignty in any way.¹⁸ Of course, Congress has never acted to limited the theocratic structure of Cheyenne ways, nor would any such effort be constitutional.

Additionally, we note that the Chiefs’ Declaration is consistent many other authorities. This includes modern international indigenous rights instruments, such as the United Nations

¹³ See, e.g., *Lone Wolf v. Hitchcock*, 187 U.S. 553, 568 (1903) (upholding Congressional plenary authority regarding Indian affairs).

¹⁴ *Williams*, 358 U.S. at 220.

¹⁵ See, e.g., Curtis Act of 1898, ch. 517, §§ 26, 28, 30 Stat. 495, 504–05 (abolishing the tribal governments of the Five Tribes in Oklahoma).

¹⁶ Indian Reorganization Act of 1934, Pub. L. No. 73-383, 48 Stat. 984 (codified at 25 U.S.C. §§ 5101–5129).

¹⁷ Approximately 150 tribal constitutions were adopted pursuant to the IRA. See Carole Goldberg, *Members Only? Designing Citizenship Requirements for Indian Nations*, 50 U. KAN. L. REV. 437, 437 n.3 (2002).

¹⁸ See *Nat’l Farmers Union Ins. Co. v. Crow Tribe of Indians*, 471 U.S. 845, 852-53 (1985); *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130, 148-149 n.11 (1982); Felix Cohen’s Handbook of Federal Indian Law, § 6.02[1] (2005).

Declaration on the Rights of Indigenous Peoples' Articles IV,¹⁹ V,²⁰ and XVIII.²¹ It also includes President Trump's Executive Order 13798 of May 4, 2017 (Promoting Free Speech and Religious Liberty) and the broad aims of the White House Faith Office to support religious entities' efforts to "to serve individuals, families, and communities through means that are different from those of government and with capacity and effectiveness that often exceeds that of government."²²

The Chiefs' Declaration Is Sound Policy. The IRA Constitution must be understood both: (1) in the context of superior, unrelinquished authority of the Cheyenne People under Northern Cheyenne Traditional Law, exercised by the Chiefs as the People's faith custodians, as discussed above, *and* (2) the entrenched self-determination policies of the United States.

In a historic speech, President Nixon acknowledged that Indians fell at the bottom of every "scale of measurement—employment, income, education, health" and vowed to change that through a new era of tribal "self-determination."²³ In contrast to hundreds of years of destructive federal policies, Nixon turned course, vowing to promote the self-determination of Indian tribes in every sector, from education, culture, and economics to—critically—governance.²⁴ At its core, Nixon averred, the new policies of self-determination would be "determined by Indian acts and Indian decisions."²⁵ Through these policies, Congress and the Executive Branch worked in tandem to pass laws to return sacred lands to Native peoples, decriminalize Indian religions, and support tribal governmental autonomy over federal programs.²⁶

¹⁹ "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs."

²⁰ "Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State."

²¹ "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions."

²² Establishment of The White House Faith Office – The White House: "These organizations lift people up, keep families strong, and solve problems at the local level. ... The executive branch is committed to ensuring that all executive departments and agencies (agencies) honor and enforce the Constitution's guarantee of religious liberty and to ending any form of religious discrimination by the Federal Government."

²³ Special Message to the Congress on Indian Affairs, PUB. PAPERS (July 8, 1970) <https://www.presidency.ucsb.edu/documents/special-message-the-congress-indian-affairs> ("This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny").

²⁴ CHARLES F. WILKINSON, BLOOD STRUGGLE (2005) at 194–98 (explaining President Nixon's policies toward Indian affairs and the programs started by the Office of Economic Opportunity).

²⁵ Special Message, *supra* note 19.

²⁶ WILKINSON, *supra* note 20, at xiii (discussing Indian leaders' responses in the mid-1960s to Congress's termination policy that would have led to radical assimilation). See R.C. Gordon-McCutchan, *The Battle for Blue Lake: A Struggle for Indian Religious Rights*, 33 J. CHURCH & STATE 785, 785–96 (1991) (discussing the taking

These and other transformations have supported an era of self-determination, marking a sharp break from years of colonial domination, legalized destruction, and racist paternalism. Since then, a significant body of research has demonstrated time and again that self-determination is the only policy that has ever produced flourishing in Indian country since the point of European contact.²⁷ And, saliently, it is also connected to the many examples of good Native governance seen in Indian Country today, such as the Chiefs' Declaration to remove wrongdoers from public office and prevent any further harms to the Cheyenne People.

Tribal nations, like all nations, need good governance. But tribal governance systems must be consistent with a tribe's own prerogatives and traditional law, so that they resonate with the tribal communities within which they operate.²⁸ Northern Cheyenne Traditional Law, and the inherent authority it vests in the Chiefs, is exactly tailored to the Cheyenne Tribal polity, and Tribal Council guided and overseen by the Chiefs leads Tribal government to become more responsive, relevant, and accountable to Cheyenne citizens. This is why the Cheyenne People expressly reserved these powers in Article IV, Section 3 of the IRA Constitution.

This is all a matter of good policy, which is well understood. When tribal nations are functional and stable, it has both internal and external benefits. In addition to improving the lives of tribal members themselves, it also sends signals to outsiders that it is safe and even mutually beneficial to engage with tribes in commercial, legal, and community-based relationships.²⁹ In sum, both internal and external legitimacy are necessary for good Native governance, just as they are for the functional governance of all sovereigns.

The seminal work of Professors Joseph Kalt and Stephen Cornell regarding the importance of "cultural match" further explicates the dynamic between Native institutions and good governance.³⁰ Kalt and Cornell describe "cultural matching" as the relationship between a tribe's

of Blue Lake from the Taos Pueblo and its restoration under special religious circumstances); American Indian Religious Freedom Act, 42 U.S.C. § 1996 (2012).

²⁷ See generally REBUILDING NATIVE NATIONS: STRATEGIES FOR GOVERNANCE AND DEVELOPMENT (Miriam Jorgensen ed., 2007) (outlining a body of evidence of how Native nations have used policies of self-determination to rebuild and recover from colonial practices).

²⁸ See STEPHEN CORNELL, CATHERINE CURTIS & MIRIAM JORGENSEN, THE CONCEPT OF GOVERNANCE AND ITS IMPLICATIONS FOR FIRST NATIONS 4–6 (Joint Occasional Papers on Native Affairs, Paper No. 2004–02, 2004), https://hwpi.harvard.edu/files/hpaied/files/the_concept_of_governance_and_its_implications_for_first_nations.pdf?m=1639579282 (explaining that some form of governance is present in and necessary for all human societies to function effectively, and noting that "[t]he necessity for capable governance appears to be as true for indigenous nations as it is for others").

²⁹ See *id.* ("Effective governments . . . tend to have the respect of outsiders").

³⁰ STEPHEN CORNELL & JOSEPH P. KALT, TWO APPROACHES TO ECONOMIC DEVELOPMENT ON AMERICAN INDIAN RESERVATIONS: ONE WORKS, THE OTHER DOESN'T 7, 12, 16 (Joint Occasional Papers on Native Affairs, Paper No. 2005–02, 2006), https://www.honigman.com/media/site_files/111_imgimgjopna_2005-02_Approaches.pdf [<https://perma.cc/UA8E-QYR7>] (describing the "nation-building" approach to economic development as consisting of five primary characteristics, including "cultural match," which requires a strong degree of matching between "formal governing institutions and contemporary indigenous ideas").

institutions of governance and its “indigenous political culture.”³¹ This match is essential for tribes to flourish, because it indicates there is support and buy-in from the larger tribal community. The ruptures of colonization and the imposition of institutional structures that are a poor “fit” with a tribe’s historical governance system result in a mismatch that may cause tribes to struggle or even flounder, as the Chiefs observed with respect to the Council members they removed. This can also create a perception that the tribal government lacks legitimacy, causing tribal governments to lose the support and respect of the governed, leading to increases in community crime and even violence, again exactly as the Chiefs have observed on the Northern Cheyenne Reservation in recent days.

As a result of these dynamics, tribes seeking to revitalize their governing systems oftentimes modify core tenets of governance to better reflect tribal—rather than colonial—law and policy. Over the last several decades, tribal efforts to amend constitutions have been shown to serve a core role in this process, as many tribes have sought to break away from the boilerplate constitutions of the 1930s and move toward governing documents that better match tribal culture and tradition. But the Northern Cheyenne Tribe is uniquely positioned to be able to take emergency action—through the Chiefs’ Declaration pursuant to their inherent authority under Northern Cheyenne Traditional Law—to effectuate the same relief that other tribes are only able to accomplish after years of expensive constitutional reform.

When tribes are themselves in the driver’s seat, the role of tribal law becomes ever more important.³² The day-to-day life of a tribe is governed by the tribe’s own laws, enacted and enforced by the tribe’s own governance model and mechanisms. What this looks like—in terms of both procedure and substance—varies from tribe to tribe. The actual structure of tribal governance systems varies, and numerous models can be observed across Indian Country. Some tribes have avoided Western, hierarchical structures altogether and operate under decentralized systems in which villages or clans, for example, share dispersed power.³³ Others may maintain systems of governance similar to that of the United States. Others, including the Northern

³¹ *Id.* at 11–12.

³² Tribal law has been a core source of inquiry for leading scholars in the field for almost a century. *See, e.g.*, LLEWELLYN & HOEBEL, *THE CHEYENNE WAY*, *supra* n.6; RENNARD STRICKLAND, *THE FIRE AND THE SPIRITS* (1975). In the last several decades, there have been in-depth examinations of tribal law on topics of great importance to tribes. *See, e.g.*, KRISTEN CARPENTER, *Individual Religions Freedoms in American Indian Tribal Law*, in *THE INDIAN CIVIL RIGHTS ACT AT FORTY 159* (Kristen A. Carpenter, Matthew L.M. Fletcher, Angela R. Riley eds., 2012) (discussing religious freedom); Nell Newton, *Tribal Court Praxis: A Year in the Life of Twenty Tribal Courts*, 22 *AM. INDIAN L. REV.* 285, 293 (1998) (discussing tribal court jurisprudence); Carole Goldberg, *Individual Rights and Tribal Revitalization*, 35 *ARIZ. L. REV.* 889 (2003) (discussing individual rights); Patricia Sekaquaptewa, *Evolving the Hopi Common Law*, 9 *J.L. & PUB. POL’Y* 761 (2000) (discussing Hopi common law); Angela R. Riley, *Crime and Governance in Indian Country*, 63 *UCLA L. REV.* 1564 (2016) (discussing criminal Violence Against Women Act (VAWA) prosecutions).

³³ *See, e.g.*, HOPI TRIBE CONST. & BY-LAWS art. III, § 2 (describing powers reserved to Hopi villages); Pat Sekaquaptewa, *Evolving the Hopi Common Law*, 9 *KAN. J. L. & PUB. POL’Y* 761, 768–73 (2000) (explaining the process by which the Hopi courts enforce village decisions and police enforce court orders); *see also* Charles F. Wilkinson, *Home Dance, the Hopi, and Black Mesa Coal: Conquest and Endurance in the American Southwest*, 1996 *BYU L. REV.* 449, 458 (1996) (describing Hopi societal structure as defined by largely individual, decentralized Hopi villages, each with its own unique decision-making processes).

Cheyenne Tribe, rely on pre-contact theocratic structures wherein leaders are chosen by religious figures after processes of ceremony and prayer—here, the Chiefs.³⁴ In this sense, Northern Cheyenne Traditional Law reflects Tribal culture, values, spirituality, and belief systems in ways that cannot possibly be captured by laws imported from Western legal systems like the IRA Constitution. Again, that is exactly why the Cheyenne People reserved their powers in Article IV, Section 3.

The Chiefs meet and act regularly to Protect the Cheyenne People. A recent example is the leadership the Chiefs and Societies exercised during the Covid-19 pandemic. They managed all public health efforts, curfew enforcement, quarantine orders and distribution of PPE on the Northern Cheyenne Reservation. The Bureau had no problem with that. Importantly, at no point have the Cheyenne People ceded the Chiefs' ability to protect the community from wrongdoers or stop following leaders who are taking the Tribe in the wrong direction. The Chiefs have not exercised this authority in many decades, and their Declaration is extraordinary. But that evidences the restraint with which the Chiefs exercise their inherent authority and the gravity and severity of the wrongdoing in which they determined the deposed Council members engaged. The rarity of the Chiefs' formal action is all the more reason for you to honor it.

Conclusion. In sum, the Chiefs do not need your permission or recognition of their Declaration under Northern Cheyenne Traditional Law. But your action in ignoring the Chiefs' Declaration risks further disruptions in the Cheyenne community and further fraudulent activity that the Chiefs are trying to stop. It also risks significant economic harm to the Tribe.

The Chiefs understand you are hosting at your federal offices today a "Tribal Council meeting" comprised of the same individuals the Chiefs removed. This constitutes extreme interference with internal Northern Cheyenne matters. You are conveying a message that the United States does not respect the Chiefs' Declaration or recognize its legal force under Northern Cheyenne Traditional Law. As we have explained, the Chiefs' Declaration is binding, self-enforcing, and unreviewable. The meeting you are hosting is unlawful and void under Northern Cheyenne Law.

Your actions are contrary to Cheyenne faith-based practices and binding federal law. This simply is not a case where there is some ongoing intramural tribal process that requires the Bureau to stay its hand. Instead, the Tribal process here is final; the Chiefs have issued their Declaration and there is no Tribal process or institution with an authority to change that. The Chiefs are the final arbiters of Cheyenne Law and this issue. The Bureau has no authority to interpret Northern Cheyenne Law.

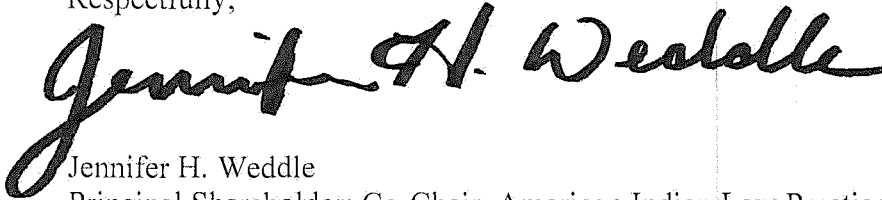
Therefore, the Chiefs ask that you rescind your September 12 memorandum, issue a new statement indicating that you will respect the Chiefs' Declaration and let your actions follow your words. Do not host any more meetings.

³⁴ See, e.g., Joseph P. Kalt, *Constitutional Rule and Effective Governance of Native Nations*, in AMERICAN INDIAN CONSTITUTIONAL REFORM AND THE REBUILDING OF NATIVE NATIONS 184, 188 (Eric D. Lemont ed., 2006).

In terms of what comes next, the Chiefs intend to appoint a new Council, which will be subject to a ratification vote of the People in accord with Cheyenne election laws. Thereafter, the Chiefs will lead what they anticipate will be lengthy effort at constitutional reforms.

At the end of the day, the power to govern the Tribe is with and always has been with the Cheyenne People. They are exercising their Cheyenne voice and the United States must respect their faithful will.

Respectfully,

A handwritten signature in black ink, reading "Jennifer H. Weddle". The signature is written in a cursive, flowing style. The first name "Jennifer" is written in a large, elegant script, followed by "H." in a smaller, more formal script, and "Weddle" in a large, bold script.

Jennifer H. Weddle

Principal Shareholder; Co-Chair, American Indian Law Practice