

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DEBORAH K. HENDRIX, ANGIE A.  
REVELL, PHILIP J. HENDRIX III,  
PHYLLIS A. ATTOCKNIE,  
Plaintiffs

vs.

WALLACE COFFEY, Individually and as a  
Citizen of the United States and State of  
Oklahoma, and as a member of the Comanche  
Business Committee, as are the following;  
RONALD REDELK, EDDIE MAHSEET,  
LANNY ASEPERMY, JANICE BIGBEE,  
and DONNA WAHNEE, tribal enrollment  
Director,  
Defendants

**CIV - 08 - 605**

CIV. NO. \_\_\_\_\_

**FILED**

JUN 11 2008

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY \_\_\_\_\_ DEPUTY

**PLAINTIFF'S COMPLAINT FOR TEMPORARY  
INJUNCTION AND FOR PERMANENT INJUNCTION  
AFTER TRIAL ON THE MERITS AND FOR DAMAGES.  
IN THE ALTERNATIVE FOR INJUNCTIONS, AS PRAYED AND FOR  
DECLARATORY JUDGEMENT, FOR ALL COSTS  
AND FOR ATTORNEY FEES**

**JURISDICTIONAL STATEMENT**  
**PART ONE**

**Plaintiffs** are *Pro Se*, without means to hire an attorney. They believe the Honorable Court has federal question jurisdiction over the subject matter, as well as the persons, parties to this complaint for temporary injunction and for permanent injunction after trial on the merits. This case arises under the Constitution, treaties and civil rights laws of the United States.

Plaintiffs are Comanche Indian citizens of the United States and State of Oklahoma, the

same as the Defendants. This suit entails the illegal deprivation of Plaintiff's federal due process and equal protection of the Law (See: Plaintiff's Exhibit "A" and "B" attached hereto).

Defendants have deprived Plaintiff's of vested federal protected rights without due process and equal protection of the laws in direct violation of the Indian Civil Rights Act of 1968 as it stands *in pari materia* and in tandem with other civil rights statutes which are in *pari materia*, and in tandem with the Indian Civil Rights Act of 1968 (25 U.S. Code – Indians – Section 1301-03). The deprivation of rights also contravenes the U.S. Civil Rights Acts of 1866, 1870, 1871, 1964, and 1968.

These Acts were designed to protect all people (the citizens of the United States from each other, states from each other, and the world) as it effects their lives, liberty and property. They are mostly in tandem and *in pari materia* with the United States Constitution Bill of Rights and Thirteenth, Fourteenth and Fifteenth Amendments. Congress was given constitutional authority to enforce such rights by proper legislative. Where *in pari materia*, upon the same matter or subject, they are construed together. State vs. Gerhardt, 145 Ind. 439, 44 N.E. 469, 33 LRA 313; U.S.C.A. Jones v. Meyers, 392 U.S. 409 (1968). The Meyer case applied the Act of 1866, a Housing Act. The Court in 1968, with Justice Stewart speaking for a seven man majority adopted the view of first Justice Harlin, that the Thirteenth Amendment became part of the Constitution so that Congress could have the power to remove the "badges of slavery" from the Nation.

In 1964 Congress authorized the Attorney General to intervene, in any civil rights suit in which there is an allegation of the denial of equal protection of the laws. Using this authority, the Department of Justice has intervened in several major suits against school districts.

Then, as part of the Civil Rights Act of 1968, Congress adopted specific federal criminal legislation to protect persons in the exercise of their civil rights against injury, intimidation, or interference either by private individuals or public officials. Under this Act, it is now a crime to interfere with or attempt to interfere with or injure any person because he is voting or campaigning in any election, serving on a federal jury, working for a federal agency, or participating in any federal or federally assisted program. It is also a federal crime to interfere with or injure or intimidate any person because of his race, color or religion while he is attending a public school, working for any employer, serving on a state jury, or using a common carrier in public accommodation. Also protected under the law are persons who are trying to encourage or help persons secure civil rights. Law officers are exempt from this Act only during the course of their duties for actions to suppress a riot or a civil disorder. Commission of any of the Acts interdicted by the federal law is also a violation of state law, so Congress limited federal prosecutions to those instances when the Attorney General certifies, in writing, that federal prosecution is in the public interest and necessary to secure substantial justice - thus the federal authorities will not act if the state does. Also, Congress provided for uniform provisions that should avoid any discrimination in the selection of federal juries.

The Civil Rights Act of 1968 has further strengthened the Justice Department's authority to protect constitutional rights and to act against racially motivated crimes. The Department's more active role has had an impact, it has alerted state and local officers to the fact that they violate at their own peril the rights and privileges protected under the Thirteenth Amendment. The Thirteenth Amendment applies to all persons (unlike the Fourteenth Amendment) and not just to those acting under color of law. By its own force

the Thirteenth Amendment prevents all forms of involuntary servitude; it also empowers Congress to pass whatever laws are necessary and proper to prevent slavery or involuntary servitude.

For a hundred years, some people, including first Justice Harlin, have argued that the Thirteenth Amendment gave Congress the authority to legislate against all “badges of slavery”, specifically against racial discrimination in all its forms, regardless of the source. But the Supreme Court construed the Thirteenth Amendment narrowly so that slavery would mean only physical compulsion or peonage (a condition of compulsory servitude based on indebtedness of the worker to the employer). Thus, it was held that Congress received no power from the Thirteenth Amendment to legislate against racial discrimination.

Jones vs. Meyers, though concerned about discrimination in housing, created a different look at the Thirteenth Amendment, which applies to all persons. Though some private acts of discrimination may not be unconstitutional, they may be illegal. States have the authority to protect a person’s property rights against infringement by others, so they have the authority to protect a person’s civil rights as does the national government. The weakness of some of these civil rights acts which appear as statutes, such as the Indian Civil Rights Act of 1968, is that they make no special provision for enforcement other than by regular court action instituted by public prosecution or through the initiation of law suits by the person being discriminated against.

Most Indian citizens lack the money to prosecute a lawsuit and if/and when they undertake to file a civil suit, the Court has been less than eager to take action. The ineffectiveness of criminal laws against discrimination is mostly because of the inherent view that Indians were not considered “persons” for purposes of inclusion under the

Fourteenth Amendment with regard to the protection of their rights. The Courts were quick to decide that Indians were made citizens by birth in the Fourteenth Amendment; they were considered to be separate and apart. Referred to as “denizens” not citizens. The Plaintiffs here, however, allege that they are entitled to civil rights protection of their identity, life, liberty and property, and to national protection and guarantees of their rights of American citizenship.

American citizenship confers upon Plaintiffs some very special rights. First of all, an American citizen obtains state citizenship merely by residing in a state. (Residence, as used in the Fourteenth Amendment, means domicile or the place one calls “home”). To Plaintiffs, Oklahoma is home. The legal status of domicile is not to be confused with the fact of physical presence. He may be living in a state and his domicile may be another and it is from state citizenship that many of our most important rights flow.

States determine - subject to constitutional limitations - who shall vote, not merely for state and local officials but also for national officials, and in the Plaintiff's case – tribal officials. States could also confer the right to vote on aliens but do not, yet citizenship is an essential (but not sufficient) requirement to vote and hold office.

Do American citizens have rights other than the right to become citizens of the state in which they reside? The Supreme Court in the Slaughter House cases (1873) carefully distinguished between privileges of United States citizens and of state citizens, holding that only privileges attaching to national citizenship are those that “owe their existence to the federal government, its national character, its constitution, or its laws”.

These privileges of United States citizenship have never been completely enumerated, but they include the right to use the navigable waters of the United States; to assemble peacefully;

to petition the national government for redress of grievances; to be protected by the national government on the high seas; to vote, if qualified to do so under laws, in national elections and to have one's vote counted properly, and to travel throughout the United States. Travel dealing with the concept of "locomotion" is another arena where a host of civil rights and liberties arise from.

The right to travel, the basic freedom of persons to move from place to place, has in recent years become the subject to considerable litigation. Except for persons under legal restraint - committed to jail, subject to the draft, out on bail and so forth - all American citizens may travel throughout the Nation and no state may impose any barriers to this from of movement.

The right of American citizens to live in the United States, in these days of war and tyranny is the most precious right citizens can have. Aliens have no such rights.

Congress has the right and power to provide a uniform rule for naturalization. This was accomplished when all Indian citizens born within the territorial limits of the United States were declared to be citizens thereof under the Act of June 2, 1924 (43 Stat. 253). This Act is codified at 8 U.S. Code 1401 (2) (b).

The importance of this is not to be understated. Each of these Plaintiffs has expanded rights to federal protection. As Indian citizens they are entitled to the full panoply of rights afforded all other citizens of the United States including their rights to protection of identity, life, liberty and property by federal, state and local (tribal) governments.

This Indian United States Citizenship and Naturalization Act accords all Indians born here full U.S. citizenship and reserves to them their rights to share in all tribal and other properties. This is today, more than ever, basic to self-government. The preservation of the rights of

Indians granted by the United States Constitution is within the full intendment of the law of the land which is the right to due process and equal protection of the law, federal, state, or tribal and applies to all Indian citizens equally *in pari materia* with the civil rights acts of the United States. Any other interpretation would render individual rights of Indian citizens meaningless. Tribal, State, and Federal responsibilities are under these legal and political realities for reasons there can be no tribal, state, or federal organizations of citizen Indians outside the required civil rights acts of the United States, and as citizens, the Indians, each of them, are entitled to the protection of their civil rights as accorded all other citizens.

All civil rights acts *in pari materia* and in tandem upon the same matter and subject are to be construed together as required by due process and to equal protection of law. The subject of citizenship once granted is not a subject to be negotiated at the whim of legislation. Once the uniform rule for citizenship is provided, the rights and immunities of citizenship cannot be construed as less than it is to allow any other citizen, Indian or non-Indian, to subject the Indian citizens to the deprivation of their federal rights to the due process and equal protection of the law.

Congress is authorized to legislate on Indian Affairs under the Constitution and that power to legislate is plenary insofar as the Kiowa, Comanche, and Apache (KCA) treaties with the United States are concerned. The Supreme Court has said that it is powerless to inquire into the motives of Congress which prompted Congress to legislation with reference to the treaties entered into with the KCA tribes, and so held in 1903 in *Lone wolf v. Hitchcock*, 187 U.S. 553 (1903).

The application of U.S. Citizenship and civil rights protection to the KCA Indians on the part of

Congress is basic to self-government. And the violation of this protection of civil rights among the Kiowa, Comanche and Apache Indians is rising. This violation is being perpetuated on these citizen Indians by tribal officials acting illegally and at their own peril. Idealistically no other citizen Indian or non-Indian citizen may deal with their rights except within the full intendment of the protective guarantees of their civil rights to federal protection. The Indian Civil Rights Act is, *in pari materia* with the full intendment of American citizenship under 8 U.S. Code 1401(b), the Thirteenth Amendment and Civil Rights Acts. The KCA Indians evolved under the treaties and allotment acts and their legal position after allotments in generality evolved under the direction of congress as have their individual rights they have under such statutes include rights to public land Indian allotments. SEE 25 U.S. Code 334,336,345-346; 8 U.S. Code 1401 (b); 28 U.S.C.1353, etc.

No KCA Indian has the right to deny due process or equal protection, nor the power to disenfranchise any other persons of such rights under any pretext of acting under to color of either federal, state, or tribal law. They (as in the case of the Defendants) are powerless to claim immunity from civil rights injunctions against actions that would jeopardize the individual rights of citizen Indians as these citizen Indians have been accorded protection from those Indians and non-Indians under the evolving system of congress from the days when Indians were considered denizens prior to citizenship. All of the actions of every Indian are subject to the prohibitions of the Civil Rights Acts of 1968 which are *in pari materia*.

Therefore, the Honorable Court has federal question jurisdiction as a political reality and the



Courts of the United States has referred to the federal position of the United States in Indian Affairs holding that the United States has “moral obligations of the highest responsibility and trust” towards Indians (*Seminole Nation v. U.S.*, 316 U.S. 286, 297 (1942), and must use “great care” in its dealings with them (*U.S. v. Mason*, 412 U.S. 391, 398 (1973) so that consequently any governmental action that affects Indians’ interests must be judged “by the most exacting fiduciary standards.” (*Seminole Nation*, 316 at U.S. 297).

Four jurisdictional statutes are important in this context: Title 28, U.S.C. Section 1331 (written as 28 U.S.C. 1331, 28 U.S.C. 1362, 28 U.S.C. 1353 and 28 U.S.C. 1343(a); Section 1331 confers jurisdiction on the federal courts over any civil action which “arises” under the Constitution, Laws or Treaties of the United States”. This statute is extremely important to Indians and tribes because it allow federal courts to protect the many federal rights Indians have under treaties and statutes. Civil rights jurisdiction appears in several statutes in Title 42 U.S.C.

The Fourteenth Amendment does implicitly what the Fifteenth Amendment does explicitly.

“The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude”. The Fifteenth Amendment also empowers Congress to enact any law necessary and proper to enforce the prohibitions of the Amendment.

Civil rights primarily involves two (2) statutes: The Civil Rights Act of 1866 makes it a federal crime for any person acting under the color of law willfully to deprive any person of a right secured or protected by the Constitution; and the Civil Rights Act of 1870 (*Ku Klux Klan Law*) makes it a federal offense for two or more persons to conspire to deprive a

citizen from the enjoyment of any right or privilege secured to him by the Constitution or federal laws.

The Civil Rights Act of 1871 provides for suit for damages and injunctions for deprivations of rights secured by the Constitution and provides for civil rather than criminal remedies.

Title VI of the Civil Rights Act of 1964 directs: each federal department and agency which is empowered to extend federal financial assistance to any program or activity, by the way of grant, loan, or contract to take the necessary action to insure that no person in the United States shall, on grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subject to discrimination under any program or activity receiving federal financial assistance.

The Economic Opportunities Act of 1964 has been an important civil rights program. American Indians, at least on or near an Indian reservation have certain rights because of their status as Indians, such as employment preferences. But any Indian outside the scope of authority or contrary to law can have no claim to obedience. The Constitution protects our rights to become and remain citizens. 8 U.S.C. 1401(b) and the Indian Civil Rights Act of 1968 declare our civil rights are not to be infringed upon, and that is a right basic to the concept of self-government.

When dealing with the citizenship rights of citizens, in essence, the Court has ruled that what the Constitution gives, Congress may not take away, *Afroyim v. Rusk*, 387 U.S. 253 (1967). The power of Congress is to provide a uniform rule for naturalization. This rule, affecting Indians is codified at 8 U.S.C. 1401 (b), (Act of June 2, 1924, 43 Stat. 253).

**PART II**  
**OPERATIVE FACTS**

Against this backdrop the Defendants, five of the seven member Comanche Business Committee (CBC) and the Comanche enrollment director have conspired, one with the other, to subject three of the four Plaintiffs to a tribal banishment calling it “disenrollment”, which is not within the scope of their tribal authority or employment. The Constitution of the Comanche Nation, this being the Nation’s premier legal documental law (1976), has no provisions regarding “disenrollment” of tribal members. The fourth Plaintiff seeks protection under the law preventing the CBC from violation of civil rights or retaliatory actions against said Plaintiff due to help given to secure civil rights of co-Plaintiffs.

Like other Comanche Indians, Plaintiff Deborah K. Hendrix (C-4568) was enrolled as a member of the Comanche Nation based upon her direct descendancy of her Comanche grandfather, Otto Wells (Koommahroso), an original allottee (1901), as well as her constitutionally mandated blood quantum. This tribal affiliation being enforced due to the enrollment of her father, Charles Ellis Wells (C-5968) born January 10, 1914. Both she and her father are entered in the Comanche base roll (1976). She is a U.S. citizen by birth and a Comanche Indian by birth. She is not now nor has never been enrolled in any other Indian tribe as a member. Ms. Hendrix’s mother though is of Caddo blood. SEE Exhibit “C”.

Plaintiff Angie A. Hendrix Revell, (C-11318), is the daughter of Deborah K. Hendrix. Plaintiff Philip J. Hendrix III (C-11319) is the son of Deborah. Both of these individuals were accepted as members of the Comanche Nation on February 5, 1994 based upon the enrollment of their mother and father as well as meeting all constitutional requirements.

Plaintiffs believe that this malicious act of “disenrollment” is a conspiratory scheme initially

conceived by members of the CBC in their attempt to thwart Plaintiff Deborah Hendrix's concerted efforts to gather information relevant to mismanagement of tribal programs and funds. Each of these Defendants have hidden agenda's prompting this retaliatory scheme that has in fact, deprived Ms. Hendrix of her rightful participation in tribal activities and programs. This intrusive action has violated her rights to due process and denied her equal protection rights under the aforementioned laws. Specifically:

- Denial of due process regarding impending adverse action
- Failed to give opportunity to present evidentiary documents
- Denial of voting rights
- Denial of rights to participate of tribal governmental processes
- Denial of right to run for a vacant tribal council seat
- Denied right to appeal to an unbiased forum
- Denial of tribal program benefits
- Denial of right to seek medical assistance through Indian Health Service
- Denial of pharmaceutical/prescription assistance for needed medications
- Denial of financial educational benefits
- Denial of annual tribal casino revenues
- Subjected to obloquy and illegal invasions of her privacy

Plaintiff will show the Court documentation relevant to the previous mentioned affronts and will provide witnesses.

Plaintiff's daughter, Angie A. Wells Revell, submitted a petition to recall Business

Committeeman Lanny Asepermy for cause, this was one reason for the illegal action

taken against her by Wallace Coffey and co-defendants. Rather than complete the process as established by tribal law, Defendants issued an inflammatory full page ad in local newspaper declaring petition fraudulent and implied federal criminal action is being taken against the petitioner. BIA law enforcement investigator informed Defendants that there was nothing under present Comanche petition law that Plaintiff Revell violated. Defendants have violated Plaintiff Revell's right to petition for grievances regarding Defendant Asepermy's valid civil rights violations against tribal members. To this day, Defendants have not completed recall petition process nor acknowledged receipt of BIA findings. By the issuance of this news release, Defendants proposed to hold her up to ridicule in her community and impugn her integrity. Defendant Wahnee played a part in this illegal attempt to circumvent tribal law by calling petition signers inquiring if they actually signed Petition in question and if they would reconsider keeping their signatures on said petition. Another violation of Plaintiff Revell's civil rights. In reality, the Comanche Nation is largely at the mercy of mismanagement. There are those that prefer the status quo to cover their extra curricular activities under the name of the Nation having phony address in several states without tribal knowledge. Several tribes have been used for dishonest ventures and money washing. Being able to operate without recourse is a problem that needs looking into. Assistance of the Courts should not be lightly denied.

Plaintiff's Exhibit "C" shows that the CBC wrongfully allege that Plaintiff's, Deborah K. Hendrix, Angie A. Hendrix Revell, and Philip J. Hendrix III are not Comanche. Plaintiff Hendrix III is in actually quilt by association. Ms. Hendrix's has a full-blood older sister, and two brothers who have been not been denied citizenship nor abused in like manner.

### **PART III**

Prayer: Plaintiff's pray for temporary injunction restraining Defendants from carrying out their plan to deprive Plaintiffs of their rights to due process and equal protection of the laws and or to deprive Plaintiff of any rights reserved to them under the Indian Citizenship and Naturalization Act of June 2, 1924 (43 Stat. 253 – Codified at 8 U.S. Code 1401(b), their rights to shall in “all tribal programs, monies and other property”.

Although all the rights reserved to Comanche Indian citizens under the “other property” clause has not as yet been fully denominated, such rights are absolutely equal to those of every other Comanche Indian citizen and many are federal benefits or are protected by federal Civil Rights Acts and the Constitution of the United States and State of Oklahoma.

The Indian Civil Rights Act of 1988 (25 U.S.C. Sections 1301-03) is *in pari materia* with and in tantem with the continuing purpose of Congress to afford Indian citizens with due process and equal protection in their rights which cannot be confiscated by any other members of the Tribe without due process, equal protection of the laws and just compensation as a matter of their protected federal rights which are involved.

Said injunction to include an immediate temporary injunction preventing Defendants from carrying out their orders to halt all services to Plaintiffs by reason of “disenrollment”.

Again, the disenfranchisement of Plaintiffs is illegal. Moreover, the Comanche Nation receives federal funding from the United States for the majority of tribal programs and these programs are abused when the members are abused and rights denied.

Plaintiffs Exhibit “D” shows that the Business Committee, acting ultra vires to their authority assumed they could violate the rights of Plaintiffs at will and “disenroll” Plaintiffs and in so doing are well with their right when they have no right whatsoever to “disenroll” anyone.

What has happened is on April 18, 2008 (See Exhibit "D"), the Defendants have notified all tribal departments of the alleged legal action and Defendant Donna Wahnee, together with a tribal administrator issued a letter to all departments which continues the erroneous claim that "with assistance of the Bureau of Indian Affairs - several tribal members have been disenrolled" with the Comanche Nation.

This is false as is all of Defendants claims. All departments however have been alerted to deny Plaintiffs all benefits of all programs afforded by the tribe. They are federally subsidized programs and all agencies that afford these programs (almost all tribal programs) are required to halt all federal funding when they violate federal guidelines and deny civil rights, or due process and equal protection of the law to any person.

Plaintiffs are affected, for instance, the tribal pharmaceutical/prescription assistance program, now denies to Plaintiffs needed medications they had been assisting with. Plaintiff's son and daughter are denied educational benefits, etc. These federally funded programs are ended at the whim of those whose jobs in office are short lived and not in accordance with law.

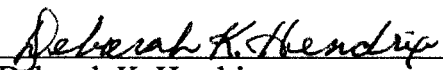
The Indian Civil Rights Act, 25 U.S.C. Sections 1301-03, 1988, therefore, a temporary injunction should issue to prevent the illegal election process from continuing and outcome be recognized without the rightful participation of Plaintiff Deborah K. Hendrix. The Defendants have wrongfully set up the parameters of participation by the wrongful removal on Ms. Hendrix name from the official ballot as recognized by Comanche Nation General Council assemble April 19, 2008. This tribal council is established by the Comanche Nation Constitution and the "Supreme governing body of the Comanche Nation".


The situation is one where irreparable damage and harm is taking place and Defendants can do as they choose. Plaintiffs whom suffer the harm and damage can do nothing about it without the assistance of the Court.

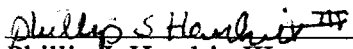
Plaintiffs have been illegally disenfranchised from their identities, are subjected to loss of property and suffer irreparable harm and damage with no let up. Plaintiffs pray for temporary injunction and for permanent injunction after trial on their merits, and for all other relief as seem reasonable and just to the Court.

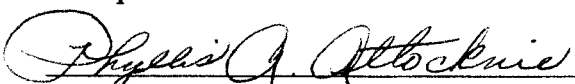
Respectfully submitted,

Plaintiffs;

  
Deborah K. Hendrix

  
Angie A. (Hendrix) Revell

  
Phillip J. Hendrix III

  
Phyllis A. Attocknie



**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, 2008, I served the attached document by: Certified Mail, Return Receipt Requested.

On the following:

Wallace Coffey  
P.O. Box 908  
Lawton, Ok 73502

Ronald Red Elk  
109 Venable Dr.  
Anadarko, OK 73005

Edmond Mahseet  
P.O. Box 109  
Apache, OK 73006

Lanny Asepermy  
P.O. Box 247  
Apache. OK 73006

Jenice Bigbee  
423 E. Rogers Dr.  
Stillwater, OK 74075

Donna Wahnee  
405 S. 10<sup>th</sup>  
Walters, OK 73572

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Deborah K. Hendrix, ET AL, Plaintiffs

**United States District Court  
Western District of Oklahoma**

**EXHIBITS**

Exhibit A: Letter from Dan Deerinwater, Regional Director, Bureau of Indian Affairs.

Exhibit B: Memo dated April 22, 2008 from Wallace Coffey to take Deborah Hendrix off the election ballot, with copy of how each member voted.

Memo dated April 24, 2008 from Wallace Coffey deleting Deborah Hendrix

Minutes of the April 17, 2008 meeting.

Exhibit C: Letter from Caddo Tribe certifying Deborah Hendrix was never on the Caddo roll.

Copy of the Comanche base roll.

Fathers Comanche enrollment cards.

Comanche Census roll of Comanche births with Ms. Hendrix's fathers, grandfather and grandmother.

Exhibit D: Memo from Johnny Wauqua, Tribal Administrator directing all departments not to provide services to those on the list.



# United States Department of the Interior

Bureau of Indian Affairs  
Southern Plains Regional Office  
P. O. Box 368  
Anadarko, Oklahoma 73005

IN REPLY REFER TO:  
Tribal Government Services

MAY 27 2008

PLAINTIFF'S  
EXHIBIT 'A'  
4 pages

Deborah Hendrix  
820 N.E. Cherry Rd.  
Elgin, Oklahoma 73538

Dear Ms. Hendrix:

We have reviewed your protest dated May 12, 2008, from the action of the Comanche Business Committee (CBC) taken on April 17, 2008, purportedly disenrolling you as a member of the Comanche Nation. Your letter states that your rights under the Indian Civil Rights Act have been violated by the CBC in the following regards.

As described in your letter, you have not been provided due process:

1. No proper notice was provided you prior to the disenrollment action.
2. You had no opportunity to refute the allegation against you at the purported meeting.
3. You have not been properly advised in writing of your appeal rights.
4. No proper appeal forum has been provided you by the CBC from its decision of April 17<sup>th</sup>.

Further you allege that you have not been provided equal protection under the constitution as follows:

5. The Comanche Nation has no ordinance or procedure adopted on disenrollment.
6. The CBC acted improperly by removing you from the list of candidates by telephone and not at a duly called meeting.

We are accepting your protest due to the potential conflict of interest that the Anadarko Agency Superintendent, Betty Tippeconnie, may have in this matter due to the candidacy of her husband for the same position that you had been nominated for.

The Bureau of Indian Affairs has an interest in the integrity of tribal membership rolls because individuals use their membership to obtain federal services or funds. Additionally, the Bureau, because of the possibility of violating a person's rights in a disenrollment action, may review those matters to assure that the standards established under the Indian Civil Rights Act (ICRA) and a tribe's constitution are met. These standards are generally of due process and equal protection. Due process, at a minimum, grants a person the right of notice to an adverse action, a hearing at which he or she can present evidence to refute any allegations, and an appeal procedure to an impartial review forum.

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Equal protection assures a person the right to receive the same treatment under a tribe's laws or rules as any other tribal member would have. It assures that no selective action is taken against one person simply based on who he or she is.

Disenrollment is an extremely serious action. In addition to making a person ineligible for the benefits and services of his tribe, disenrollment could effectively end an individual's opportunity to be a member of any Indian tribe. It would make him ineligible for Bureau programs that require tribal membership; it could possibly affect a person's right to have land in trust status. For this reason, the tribe has the burden of proof to establish that a member is not properly enrolled. From our examination of the materials you provided, we find the following noted irregularities in the action taken against you.

To our knowledge the Comanche Nation does not have an enrollment ordinance adopted by the Tribal Council. Under Article V Section 7(a) the Tribal Council is authorized to "change, modify, alter, or revoke membership rules." This is the only reference to membership rules; it implies that the Tribal Council, having the authority to modify or revoke such rules, also is authorized to adopt them.

Article VI Section 7(a) grants the Comanche Business Committee (CBC) only the authority to "establish and maintain the tribal membership roll. . ." In other words, the CBC is authorized to keep the roll current. There is no authority for the CBC to make or adopt membership rules.

The Anadarko Agency provided a copy of the Comanche Nation's ENROLLMENT RULES AND REGULATIONS which is undated and not supported by a resolution. Unless these rules have been adopted by the Tribal Council, they are not in effect.

In the absence of a procedure and specific authority to disenroll persons, the Comanche Business Committee cannot proceed arbitrarily in removing a person from its roll. First it must be determined which body has the authority to conduct disenrollment proceedings. Since the constitution is silent on this issue, the CBC cannot presume it has that authority. It would also need to adopt some provisional procedures governing disenrollment which protect an individual's rights. The proper body to adopt rules for any enrollment related matter is the Tribal Council as discussed above.

According to the submitted documents you were enrolled in 1976 under Article III Section 1(b) and have been continuously a member of the Comanche Nation since then. There is also evidence from the Anadarko Agency and Caddo Tribe that you were never a member of the Caddo Tribe of Oklahoma. The only evidence the CBC presented to support its action was the relinquishment dated December 11, 1975, approximately 5 months prior to you being advised of your enrollment in the tribe. You were previously advised by the Deputy Regional Director (IS) that this may have been a requirement for the enrollment for the Kiowa-Comanche-Apache per capita payment of 1976. We are not certain that this is the case, or if the tribe required it to complete your enrollment file. However, even if you had been a member of the Caddo Tribe, that membership ended when you presented the relinquishment to the Comanche Nation and were accepted as a member of that tribe. It would not constitute dual enrollment. The relinquishment states in part:

2. EXHIBIT 'A'

I am making this relinquishment voluntarily and I understand that I will no longer be considered a member of the Caddo Tribe of Indians if accepted as a member of the Comanche Tribe . . . (emphasis added)

This language clearly expresses the intent of the document which is to sever membership (if that had been the case) in the Caddo Tribe at the time of your enrollment in the Comanche Nation. The Nation erred in using this document as a basis for your disenrollment. Further, the weight of the evidence from the Anadarko Agency and Caddo Tribe support your contention that you were never a member of the Caddo Tribe.

The Nation failed to comply with a the basic guarantees of due process in that you were not advised of the hearing on April 17, 2008, and afforded an opportunity to present your evidence. It also failed to provide adequate notice of your appeal rights in that the letter dated April 18, 2008, does not state whether there will be a hearing or when that hearing would be. This letter also cites an erroneous authority for the appeal process. Further, a decision is not usually final and in effect until all appeals are exhausted or the time to file an appeal has expired, unless the governing law or rule provides that it will be in effect immediately.

The appeal to the CBC violates the due process guarantees since it is not appealed to a separate unbiased board or body from the one which took the initial action. This is not a true appeal and does not meet the requirement of due process. At this time the Nation appears to lack a forum for enrollment disputes.

Subsequent to the meeting of April 17<sup>th</sup>, the CBC twice attempted to remove you from the ballot for the next election based on your disenrollment. These efforts on April 22<sup>nd</sup> and 24<sup>th</sup> were by "phone vote". The constitution provides at Article VI that the CBC will conduct business at meetings at which a quorum is present. There is no provision for transacting business by "phone vote" whether it is a conference call or by polling CBC members by phone. Actions taken outside of a properly called meeting with a quorum present are void.

Based upon our examination of the information you provided and the Constitution of the Comanche Indian Tribe, we tentatively find your disenrollment invalid. Your rights under the ICRA were violated by the lack of proper procedures and selective enforcement. Also, the CBC acted in an unconstitutional manner in voting to remove you from the ballot by telephone polls.

We are, by copy of this letter with enclosures, providing the Comanche Nation an opportunity to submit documents supporting its action within 10 days of receipt. The Nation is to provide you a copy of its response also. These documents should, at a minimum, include the notice calling the special CBC meeting of April 17<sup>th</sup> and the minutes from that meeting, a copy of the duly adopted enrollment ordinance, a copy of the notice and evidence of delivery to you for the April 17<sup>th</sup> meeting, copies of other evidentiary documents supporting the Nation's contention of dual enrollment, and a copy of your appeal rights advising you of your right to a hearing and to present evidence. If documents are received, we will examine them and make a final decision in this matter. Should the Nation not respond timely with supporting documents, then the above decision will become final and appeal rights will be given the parties.

3, EXHIBIT 'A'

If the Comanche Nation feels that it needs technical assistance in reviewing its enrollment policies or procedures, the Branch of Tribal Government Services is available at the Nation's request.

Sincerely,

*(Sgd.) Dan Deerinwater*

Regional Director

cc: Anadarko Agency Superintendent

RD's file copies

Subject/chrony(tcommon\wp\Comanche\Debbie Wells)

SCHANEY 05/22/08

4. EXHIBIT 'A'



**DATE:** April 22, 2008

**TO:** Elaine Noyebad, Election Board

**FROM:** *Wallace Coffey*  
Wallace Coffey, Chairman

**RE:** Ballots

A vote was taken from all the Comanche Business Committee Members to take Deborah Hendrix off the ballots for elections. As you can see attached is a listing of the votes and majority vote wins it has passed to take Mrs. Hendrix off. If you have any questions pertaining to this matter please contact my office at 580-492-3797.

*PLAINTIFF'S  
EXHIBIT 'B'*



**COMANCHE BUSINESS COMMITTEE  
PHONE VOTE OF  
DO YOU VOTE TO TAKE OFF DEBORAH HENDRIX OF THE ELECTION BALLOTS?  
April 22, 2008  
3:40 p.m.**

Ronald Redelk	Vote – YES/Take Off
Edward Tahhahwah, Jr.	Vote – NO/Keep On
Edmond Mahseet	Vote – YES/Take Off
Lanny Asepermy	Vote – YES/Take Off
Jenice Bigbee	Vote – YES/Take Off
Clyde Narcomey	Vote – NO/Keep On

**VOTES FOR TAKE OFF = 4 Majority vote wins**  
VOTES FOR LEAVE ON=2

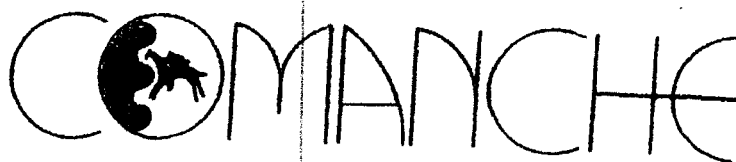




**DATE:** April 24, 2008  
**TO:** Elaine Noyebad, Election Board  
**FROM:** *Wallace Coffey*  
Wallace Coffey, Chairman  
**RE:** Qualifying Candidates & 2009 Budget

A vote has been taken from all the Comanche Business Committee Members to qualify the candidates and the 2009 budget. Attached is a list of the votes and majority vote wins to approve both with the deletion of Mrs. Hendrix. Please type up a letter to Mr. Rainey for Edward Tahhahwah to sign today after 5 p.m. If you have any questions pertaining to this matter please contact my office at 580-492-3797.

*EXHIBIT 'B'*



**COMANCHE BUSINESS COMMITTEE  
PHONE VOTE OF  
QUALIFYING CANDIDATES AND 2009 BUDGET  
April 24, 2008  
4:30 p.m.**

**Wallace Coffey**                      **Vote – Abstain**  
**Chairman**

**Ronald Redelk**                      **Vote – YES**  
**Vice-Chairman**

**Edward Tahhahwah, Jr.** **Vote – YES**  
**Secretary-Treasurer**

**Edmond Mahseet**                      **Vote – YES**  
**Committeeman #1**

**Lanny Asepermy**                      **Vote – YES**  
**Committeeman #2**

**Jenice Bigbee**                      **Vote – YES**  
**Committeeperson #3**

**Clyde Narcomey**                      **Vote – Abstain**  
**Committeeman #4**

**VOTE PASSED = 5 majority vote wins**

**AGAINST= 0**

**ABSTAIN= 2**

*EXHIBIT B*

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1 our employees. Once they severed their ties with  
2 the tribe, they were charged -- what were they  
3 charged? What was it you told us that one time?

4 MR. NORMAN: Mr. Chairman, can we go  
5 into executive session?

6 MR. COFFEY: Okay.

7 MR. NORMAN: I think it would be wise  
8 before Mr. Papahronis begins to talk.

9 MS. BIGBEE: I make the motion that  
10 we go into executive session.

11 MR. ASEPERMY: Second.

12 MR. COFFEY: All right. Motion made  
13 by Committee Person Jenice Bigbee to go into  
14 executive session. Second by Committeeman Lanny  
15 Asepermy. Do we have any discussion? Hearing  
16 none, all those in favor signify by saying "aye".

17 (Aye.)

18 MR. COFFEY: All those opposed, same  
19 sign. All those abstain, same sign. Motion  
20 carried.

21 (Executive session held from  
22 5:12 p.m. to 8:25 p.m.)

23 MR. COFFEY: Motion to approve  
24 Resolution 55-08. The last one was on the child  
25 welfare code. I don't know if we have any after

1 this done tonight.

2 MS. WAHNEE: Can I ask a question  
3 while you're doing that? If you're going to  
4 remove these from the roll, is it immediate?  
5 Because I have to provide a list tomorrow for the  
6 election board for their sign-in for Saturday.  
7 And if this constitutes immediate withdrawal, I  
8 need to have them removed from the list tomorrow  
9 to make them ineligible voters.

10 MR. NORMAN: I think that's the point  
11 of action.

12 MS. WAHNEE: That's the point?  
13 Okay.

14 MR. COFFEY: Then it's effective  
15 immediately. And then that's going to happen  
16 through here, including Debbie Hendrix, and then  
17 Charles Wells.

18 MS. WAHNEE: Then I will -- because I  
19 can -- then I can have these removed tomorrow once  
20 we get the document tomorrow, once we get the  
21 documentation on that.

22 MR. COFFEY: But he would have to be  
23 suspended, right?

24 MS. BIGBEE: Yes.

25 MR. NORMAN: You'll need a separate

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1 that, so 55-08, to remove individuals on List  
2 Number 732 from the Comanche membership roll, due  
3 to the fact that they are still enrolled in  
4 another tribe. Is that sufficient?

5 MS. WAINEE: Which would constitute  
6 dual enrollment, because that's what it is.

7 MS. BIGBEE: Do you need a motion?

8 MR. COFFEY: Yes.

9 MS. BIGBEE: I make that motion to  
10 approve Resolution 55-08.

11 MR. COFFEY: Motion made by Committee  
12 Person Jenice Bigbee to approve Resolution 55-08  
13 to remove individuals on List Number 732 from  
14 Comanche membership roll, due to the fact that  
15 they are still enrolled in another tribe, which  
16 constitutes dual enrollment. A second has been  
17 made by Committeeman Eddie Mahseet. All those in  
18 favor signify by saying "aye".

19 (Aye.)

20 MR. COFFEY: All those opposed, same  
21 sign. All those abstain, same sign.

22 MR. NARCOMNEY: Abstain.

23 MR. COFFEY: I'll get this to y'all  
24 tomorrow, or you need it tonight?

25 MR. BURSON: Might as well get all

1 motion to suspend the approval --

2 MR. COFFEY: "Whereas, the  
3 documentary evidence furnished by the Caddo Nation  
4 Enrollment Department confirms that the named  
5 individual, Deborah K. Wells Hendrix was an  
6 enrolled member of the Caddo Nation and the  
7 Comanche Nation Enrollment Department received a  
8 conditional relinquishment from the above named  
9 individual to enroll with the Comanche Nation on  
10 December 11, 1975. The Comanche Nation  
11 Constitution ratified 1966 approved January 9,  
12 1967 did not allow for an open enrollment period.  
13 The application for enrollment was received after  
14 the 90 day period after approval of the  
15 constitution for a choice of tribal affiliations.

16 "Whereas, Article III, Section 3(c),  
17 of the tribe's Constitution and Bylaws approved  
18 January 9, 1967 provides, "Any person eligible for  
19 membership in the Comanche Nation under the  
20 provisions of Section 1 of this Article shall be  
21 considered as member of the Comanche Nation,  
22 unless:

23 "(c) The person after the adoption  
24 of this constitution by his or her affirmative  
25 action or, if a minor, by the affirmative action

27 (Pages 102 to 105)

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EXHIBIT 'B'

6.

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1 of his or her parents or legal guardian becomes a  
2 recognized or enrolled member of another Indian  
3 tribe with the full rights, privileges and powers  
4 of membership under the rules of said other tribe,  
5 which said affirmative action and subsequent  
6 recognition or enrollment shall automatically  
7 effect a permanent withdrawal from membership in  
8 the Comanche Nation and a relinquishment of all  
9 rights and benefits thereunder; or...

10 "Now therefore be it resolved, that  
11 individual named above, be removed from the  
12 tribe's membership roll because of the inadvertent  
13 approval outside an open enrollment period and 90  
14 day period after constitutional approval,

15 "Be it further resolved, that the  
16 individual named be officially notified of the  
17 automatic withdrawal of her name from the Comanche  
18 Nation's membership roll, stating the reasons for  
19 such disenrollment."

20 I have a motion to that affect. This  
21 will be Resolution Number 56-08.

22 MR. REDELK: Mr. Chairman, I make  
23 that motion.

24 MR. MAHSEET: I second.

25 MR. COFFEY: Ron, motion, Eddie,

1 MR. ASEPERMY: Is there one more  
2 resolution?

3 MR. MAHSEET: Two.

4 MR. ASEPERMY: Two?

5 MR. COFFEY: Yeah, I'm almost done.

6 MR. ASEPERMY: Anybody not get your  
7 financial reports on the CBC --

8 MS. WAHNEE: We picked up somebody's.

9 MR. ASEPERMY: Johnny, you got a  
10 copy?

11 MR. WAUQUA: Yeah, we got a couple  
12 extra over here, too.

13 MS. BIGBEE: Maybe it's mine.

14 MR. COFFEY: Okay. I'll entertain a  
15 motion to approve Resolution Number 57-08 to  
16 remove Angie Hendrix-Revell and Phillip Hendrix,  
17 III, from the Comanche Nation because they are  
18 members of the Caddo Nation, which constitutes  
19 dual enrollment. Do we have a motion to that  
20 effect?

21 MR. ASEPERMY: I make that motion,  
22 Mr. Chairman.

23 MR. COFFEY: Motion has been made by  
24 Committeeman Lanny Asepermy. Do we have a second?

25 MR. MAHSEET: I'll second.

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1 second. Okay. A motion made by Vice-Chairman Ron  
2 RedElk to approve Resolution Number 56-08 to  
3 remove Mrs. Deborah K. Wells as an enrolled number  
4 of the Comanche Nation because the application --  
5 her application did not meet Comanche Nation  
6 constitutional requirements.

7 Does that sound satisfactory to you  
8 girls?

9 A second has been made by  
10 Committeeman Eddie Mahseet. Any discussion?  
11 Hearing none, all those in favor signify by saying  
12 "aye".

13 (Aye.)

14 MR. COFFEY: All those opposed.

15 MR. NARCOMY: No.

16 MR. COFFEY: All those abstain.

17 That's 56-08. Motion carried. One no, no  
18 abstentions.

19 MR. TAHHAHWAH: Mr. Chairman, before  
20 we move on, could we have Johnny explain the  
21 purchase of the golf course on the south side of  
22 Lawton?

23 MR. ASEPERMY: We've got one more  
24 resolution.

25 MR. TAHHAHWAH: Oh, there is?

1 MR. COFFEY: All right. For the  
2 record, I think that this -- these minutes must be  
3 taken because we're talking about -- for the past  
4 several months, people have been screaming and  
5 talking about an audit of the enrollment. At that  
6 time, there has been probably accusations made  
7 against each individual based upon not abiding by  
8 the constitution or not being members of the  
9 tribe.

10 Whatever their presumptions were,  
11 they made it public, and they made it very evident  
12 that they had issues for concern. In other words,  
13 it created a ripple effect amongst our Comanche  
14 people, because they are concerned, and they have  
15 inquiries. And our enrollment office has received  
16 letters requesting looking into somebody's  
17 application, searched and researched somebody's  
18 enrollment application to determine are they  
19 really Comanche or what?

20 And as a result of that, this is what  
21 action we have, those seven, eight, individuals,  
22 Deborah Hendrix did not abide by the  
23 constitutional provisions, and another one that  
24 were constitute dual enrollment. But you have the  
25 minutes, and this is action taken in a meeting

28 (Pages 106 to 109)

DODSON COURT REPORTING, INC., &amp; ASSOCIATES (405) 235-1828

EXHIBIT 'B'

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1 officially called at a Comanche Business Committee  
2 meeting. Do we have any discussion?

3 MS. BIGBEE: I think you mentioned  
4 before, people are going to say, well, Wallace did  
5 it. Wallace didn't do it. The CBC voted, and the  
6 motion passed, therefore Wallace had to sign these  
7 documents. It wasn't just Wallace.

8 MR. ASEPERMY: And I might want to  
9 add that there are others pending further  
10 investigation.

11 MS. WAHNEE: There's approximately  
12 200 more pending.

13 MR. ASEPERMY: Approximately 200,  
14 Mr. Chairman, that are pending investigation, too.

15 MR. COFFEY: Well, that's what I'm  
16 saying. Somebody has made accusations and that  
17 person that was accused said, well, let's find out  
18 what's going on. So, now, you've got a ripple  
19 effect across the nation which may affect 200  
20 individuals on our tribal enrollment. Okay. Any  
21 further discussion?

22 MR. ASEPERMY: Now, this on Angie and  
23 Phillip, this is a dual enrollment.

24 MR. COFFEY: Dual enrollment. And  
25 Debbie's because it didn't abide by constitutional

1 MS. WAHNEE: A laptop.

2 MR. COFFEY: He does?

3 MR. ASEPERMY: And you provided a  
4 number of disks that you've not seen?

5 MS. WAHNEE: Within a two-week  
6 period, the election board had requested eleven  
7 different disks of the enrollment information.

8 MR. COFFEY: This is pending, right?

9 MS. WAHNEE: This is pending, right.

10 MR. COFFEY: Pending, what?

11 MS. WAHNEE: I don't know if you want  
12 to say research or just --

13 MR. WAUQUA: Pending eligibility.

14 MS. WAHNEE: Pending eligibility of  
15 enrollment, yeah. And I should have that within  
16 the next, you know, 30 days, for sure. Because  
17 she said it's going to take her some time to get  
18 out of archives, but they've got to request it and  
19 have it shipped in and then pull it out.

20 MR. ASEPERMY: Would it be better to  
21 say pending research of current enrollment  
22 status?

23 MR. NORMAN: Pending eligibility.

24 MR. ASEPERMY: Because she's already  
25 trying to prove -- pending research.

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1 requirements. Any further discussion? Hearing  
2 none, all those in favor signify by saying "aye".

3 (Aye.)

4 MR. COFFEY: All those opposed, same  
5 sign. All those abstain, same sign.

6 MR. NARCOMNEY: Abstain.

7 MR. COFFEY: One abstention.

8 All right. One more action item, a  
9 motion. This is a Resolution Number 57 --

10 MS. BIGBEE: 58.

11 MR. COFFEY: No, because he's got 55,  
12 and this is 56, so this will be 57. This won't be  
13 a resolution, it'll be a motion.

14 MS. WAHNEE: That's a motion, yeah.

15 MR. COFFEY: This will be a motion  
16 that Mr. Charles Wells will be suspended effective  
17 immediately from --

18 MR. NORMAN: Chairman of the Election  
19 Board.

20 MR. BURSON: As an election board  
21 member.

22 MR. WAUQUA: He also has a computer,  
23 laptop computer that has the enrolled numbers and  
24 people on there, too. We need to get that back.

25 MR. COFFEY: He has one, personally?

1 MS. BIGBEE: Should part of the  
2 motion also include him returning all of the  
3 enrollment disks that he may have?

4 MS. WAHNEE: Well, he stated he sent  
5 them all to Mr. Rainey. And Mr. Rainey told me  
6 he's only had four or five, two of which were  
7 corrupted. But we had -- our software, when we  
8 were trying to run it, it was corrupting the CD.  
9 So two of those we know are corrupted, and then  
10 Mr. Rainey received two complete enrollments after  
11 that.

12 MR. ASEPERMY: Mr. Wauqua, does he  
13 have a cell phone that belongs to the nation?

14 MR. WAUQUA: I think so.

15 MS. WAHNEE: I do know that since  
16 last week, that all correspondence with  
17 Mr. Rainey, as far as the enrollment information,  
18 goes directly to Rainey. I don't turn any of that  
19 information over to the election board anymore. I  
20 send it straight to Mr. Rainey. And up until I  
21 became director, Mr. Rainey advised me that they'd  
22 always done that, they'd always sent everything  
23 directly to him, and he handled it.

24 And when I took over, that's when the  
25 election board said, no, you give it to us. And,

29 (Pages 110 to 113)

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EXHIBIT B

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1 of course, they brought me memos that was signed,  
2 and that's where I'd given them the information,  
3 and they in turn sent it to Mr. Rainey. That's  
4 when Mr. Rainey had advised me that he was  
5 concerned about the roll and the information,  
6 because --

7 MR. MAHSEET: Doesn't Charles own his  
8 own computer service there in Anadarko? He's got  
9 a big billboard sign right by his smoke shop.

10 MR. COFFEY: That might be Rodney.

11 MR. WAUQUA: That's his brother, I  
12 think.

13 MR. MAHSEET: Is it Rodney or --

14 MS. WAHNEE: I have no idea.

15 MR. COFFEY: Motion that Mr. Charles  
16 Wells be suspended from the election board pending  
17 the conclusion of an investigation to determine  
18 eligibility of enrollment. This further includes  
19 a return of all property belonging to the Comanche  
20 Tribe Gaming Office. Does that sound right?

21 MR. BURSON: I would say election  
22 board.

23 MS. WAHNEE: Validity.

24 MR. BURSON: Does he have a computer  
25 of the nation or is it election board --

1 three pages of documents, it took us five trips  
2 all day in Anadarko just to find three pages.

3 MR. COFFEY: It's contingent upon --  
4 and he's going to come and ask. You know they're  
5 going to all come ask. So you're going to have to  
6 say, well, this was information supplied to you by  
7 the Caddo Enrollment Office. And we haven't  
8 received all the documentation, but it all started  
9 with these here.

10 MS. WAHNEE: Okay.

11 MR. COFFEY: And somebody requested  
12 that it be looked into Deborah Hendrix's issue,  
13 and you found these other things, which was with  
14 regard to her, as well as her children, and he's  
15 affected by all that, too.

16 MS. WAHNEE: His child, one of them,  
17 too. Her son, too. His kids are on that list,  
18 too.

19 MR. COFFEY: Well, you're talking  
20 about that list, you're talking about that 200?

21 MS. WAHNEE: That 200, it's a huge  
22 ripple effect like you were saying.

23 MR. COFFEY: Okay. We have a motion  
24 and a second effective immediately. Do we have  
25 any discussion?

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1 MS. WAHNEE: He has a laptop from the  
2 election board and he has a cell phone from the  
3 election board.

4 MR. ASEPERMY: Return all Comanche  
5 Nation property -- cell phone, laptop, disks.

6 MR. COFFEY: Effective immediately?

7 MS. BIGBEE: Yes.

8 MR. COFFEY: Do we have a motion to  
9 that effect?

10 MR. ASEPERMY: Mr. Chairman, I make  
11 that motion.

12 MR. MAHSEET: So moved.

13 MR. COFFEY: Okay. Once again.

14 MS. WAHNEE: Do I have a time frame?  
15 I mean, what time frame do we give him?

16 MR. COFFEY: I'll have to do it  
17 tomorrow.

18 MS. WAHNEE: No, I mean a time frame  
19 for the research, because I don't know how long  
20 it's going to take, since they have to request a  
21 lot of that documentation to be transferred in.

22 MR. NORMAN: I mean, the concern  
23 remains until you get that information, so --

24 MS. WAHNEE: Okay. Because I know  
25 just for us to do some of the research to get

1 MR. BURSON: Who seconded?

2 MR. COFFEY: Eddie Mahseet.

3 And all those in favor signify by  
4 saying "aye".

5 (Aye.)

6 MR. COFFEY: All those opposed, same  
7 sign. All those abstain, same sign.

8 MR. NARCOMNEY: Abstain.

9 MR. COFFEY: Motion's carried, one  
10 abstention.

11 Okay. What I will do, then, is -- I  
12 think you need these, Jim. And maybe you can fax  
13 these.

14 MR. BURSON: Okay. We'll just copy  
15 them right here.

16 MR. COFFEY: Because I can't take any  
17 action without those resolutions. He signed them  
18 all.

19 MR. BURSON: Oh, you signed them  
20 all?

21 MR. TAHHAHWAH: Yes.

22 MR. COFFEY: Well, just like you  
23 said, as a result of this investigation, then

24 somebody saying when are y'all going to do an  
25 audit, and then somebody questioned Eddie, then

30 (Pages 114 to 117)

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1 everybody else is questioning everybody, so --

2 MS. WAHNEE: I've been auditing.

3 MR. COFFEY: Yes, so this is a result  
4 of it. And, you know, she's going to come and  
5 talk to you.

6 MS. WAHNEE: She'll go through law  
7 enforcement first. I'm sorry, but, you know --

8 MR. ASEPERMY: Well, I would advise  
9 that --

10 MS. WAHNEE: I don't want the  
11 disruption that I had before.

12 MR. ASEPERMY: I would advise,  
13 because of the hostility sometimes displayed by  
14 some of our nation members that maybe we could put  
15 one of your law enforcement officers in the new  
16 conference room or somewhere. You never know  
17 what's going to happen. People get angry. And it  
18 might go beyond cussing out.

19 MS. WAHNEE: Or my tires get the air  
20 let out of them, again.

21 MR. COFFEY: You only got one good  
22 foot left, too.

23 MS. WAHNEE: And I've only got one  
24 good foot.

25 MR. ASEPERMY: I would advise that

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1 they post an enforcement officer somewhere in the  
2 vicinity of your workplace, because you've got  
3 other employees' safety and maybe --

4 MS. WAHNEE: I have to look out for  
5 their safety.

6 MR. ASEPERMY: I don't know.

7 MS. WAHNEE: I know just with just  
8 the last time -- and, honestly, this is just me  
9 with the issue that we had with Eddie's ordeal --  
10 I got harassed a lot, to the point where it  
11 disrupted my day-to-day work with my staff. And  
12 my staff -- as soon as we saw someone come into  
13 the building, my staff were, like, shut the doors,  
14 lock the doors, you deal with it. And, you know,  
15 that's sad that my staff can't feel safe or feel  
16 comfortable in their own department. And that's a  
17 shame.

18 MR. COFFEY: Yeah, but you've got  
19 locks on your doors.

20 MS. WAHNEE: I've got locks on my  
21 doors. But when they come to the window and  
22 they're screaming and yelling and they're ringing  
23 off the hook, that's disruptive to my staff. I  
24 just don't want to go through that. And I know  
25 there's going to be a lot of outflow from it.

1 MR. COFFEY: Johnny, you take these  
2 -- I've got a doctor's appointment in the morning,  
3 so I don't -- can you take these motions -- well,  
4 can you just provide her with some security?

5 MR. WAUQUA: Yeah.

6 MR. COFFEY: Mrs. Hendrix is going to  
7 have to be notified, though.

8 MR. WAUQUA: Get the letter -- the  
9 letter done and we'll get the law enforcement to  
10 deliver it.

11 MR. COFFEY: Okay.

12 MS. WAHNEE: Okay. I just want to  
13 say thanks for the vote of confidence that all you  
14 have in me. And I hope that I've been doing the  
15 department justice, and I hope I've been doing you  
16 guys justice. And I'm trying my best, and I'm  
17 trying to keep my staff on their toes to do their  
18 best. And, you know, it's a shame that it has to  
19 come to this, but I was put in this position, and  
20 I was asked to be in this position for a reason,  
21 and I've got 14,000 tribal members I've got to  
22 look after. That's a lot of people. But I'm  
23 probably one of the only departments that didn't  
24 ask for a raise in our budget, did I?

25 MR. COFFEY: No, there was a lot.

Page 121

1 MS. BIGBEE: I don't know how the  
2 other CBC members feel, but I don't think we took  
3 this issue lightly.

4 MR. ASEPERMY: We talked about it for  
5 the last two hours.

6 MS. BIGBEE: It was very seriously --  
7 you know, to follow the constitution and do with  
8 what we feel that's correct and the proper thing  
9 to do.

10 MR. COFFEY: All right. We've got  
11 how many people out there?

12 (Discussion held off the record.)

13 MR. WAUQUA: At the last monthly  
14 meeting, y'all had voted on or decided to buy the  
15 land by Mr. Dodd out west of Lawton, Indianoma  
16 that way. And Mr. Coffey had sent me out there to  
17 look at it to see what we could do or what could  
18 be done with it. And he instructed and said that  
19 we might be able to use it for the fair or put the  
20 buffalo out there or something, which it is a very  
21 nice place, but it was too far out, from what I  
22 looked at, to see would be -- to place the fair  
23 there, to move it, but it is a good place.

24 I wished it was closer to town, so we  
25 would have the accommodations for people to stay.

31 (Pages 118 to 121)

DODSON COURT REPORTING, INC., &amp; ASSOCIATES (405) 235-1828

EXHIBIT B'

9.

# Caddo Nation of Oklahoma

**TRIBAL ENROLLMENT**  
Post Office Box 487  
Binger, Oklahoma 73009  
(405) 656-2344 • (405) 656-2345  
FAX #(405) 656-2551

PLAINTIFFS  
EXHIBITS 'c'  
4 pages

April 18, 2008

**TO WHOM IT MAY CONCERN:**

This is to certify that the records of this office show that Deborah Hendrix is not enrolled or has never been enrolled with the Caddo Nation of Oklahoma.

**CERTIFIED IN BEHALF OF THE CADDO NATION OF OKLAHOMA**

Signature: Shirley Dorsey Title: Enrollment Clerk Date: 04-18-08

Patricia Leander Date: 4-18-08  
Enrollment Director

Steve Parker Date: 4-18-08  
Caddo Nation Chairperson



PER CAPITA/MEMBERSHIP  
NUMERIC LISTING - HISTORICAL FILE

DATE RUN 08/24/76  
AS OF 08/24/76

PAGE

ALLOT-NO	AUTH FOR	BIRTHDATE	TRIBE	BLOOD	BASE-ROLL	ENROLL DATE	RELATION
ALLOT-NO	AUTH FOR	SEX	DECEASED	NO	DEGREE	RELATION	DATE
ALLOT-NO	AUTH FOR	ALLOT-NO	ALLOT-NO	ALLOT-NO	ALLOT-NO	ALLOT-NO	ALLOT-NO
1	ALLOT-NO	2	ALLOT-NO	3	ALLOT-NO	4	ALLOT-NO
5	ALLOT-NO	6	ALLOT-NO	7	ALLOT-NO	8	ALLOT-NO

DEBORAH KAY

06/21/1949 808

1/4  
1/4

ARI3 SIB

EXHIBIT  
C

2.

United States Department of Interior  
**BUREAU OF INDIAN AFFAIRS**

ANADARKO AGENCY

Post Office Box 389, Anadarko, Oklahoma 73005

This is to certify that the records of this office show that

Charles Ellis Wells

1/2 Caddo

is of 1/2 Comanche degree Indian blood of the

Comanche

Tribe (s).

Date of Birth

1-10-14

Roll No. C005968

*[Signature]*  
 Superintendent

DEPARTMENT OF  
 HEALTH, EDUCATION, AND WELFARE  
 PUBLIC HEALTH SERVICE

Your records are filed under this number. Better service can be given you if you will use this number in addition to your name in making appointments and visits to this Hospital or Clinic.

STATION

REGISTER NO.

LABORATORY

31570

PATIENT IDENTIFICATION (Name - Last, First, Middle)

*Wells Charles C-5968*

EXHIBIT 'C'

The physician should cooperate with the Superintendent by reporting all births and deaths coming under his notice and investigating the cause of death in all possible cases.

*Donaldson &*  
BIRTHS.

DATE	NAME OF FATHER	NAME OF MOTHER	NAME OF CHILD	SEX	DEGREE OF BLOOD	TRIBE	RESIDENCE
1913	25 August	Maui	David	m	7	Comanche	380 1/2
1913	13 Thomas Parker	Victoria	Maui	m	7	"	6 1/2
1913	15 Mary	Thomas	Maui	m	7	"	40 1/2
1913	16 Mary	Thomas	Maui	m	7	"	33 1/2
1913	19 Mary	Thomas	Maui	m	7	"	29 1/2
1913	19 Mary	Thomas	Maui	m	7	"	29 1/2
1913	21 Mary	Thomas	Maui	m	7	"	29 1/2
1913	23 Mary	Thomas	Maui	m	7	"	29 1/2
1913	25 Mary	Thomas	Maui	m	7	"	29 1/2
1913	27 Mary	Thomas	Maui	m	7	"	29 1/2
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1913	37 Mary	Thomas	Maui	m	7	"	29 1/2
1913	39 Mary	Thomas	Maui	m	7	"	29 1/2
1913	41 Mary	Thomas	Maui	m	7	"	29 1/2
1913	43 Mary	Thomas	Maui	m	7	"	29 1/2
1913	45 Mary	Thomas	Maui	m	7	"	29 1/2
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1913	407 Mary						

MEMORANDUM

4-18-08

TO: All Tribal Departments

FROM: Johnny Wauqua, Tribal Administrator  
Donna Wahnee, Enrollment Director

RE: Disenrollments

At a scheduled meeting of the Comanche Business Committee and after research conducted by the Enrollment Department with assistance of the Bureau of Indian Affairs, several tribal members have been disenrolled with the Comanche Nation. These people have 30 days to appeal this decision of the Business Committee. However, due to being disenrolled these people will no longer be able to receive services from the Comanche Nation.

If you have questions in regards to this disenrollment or if you believe a member you are serving may be one of these disenrolled, please contact our office for a listing of the disenrolled members. If you are serving a tribal member and are concerned for their enrollment status we will gladly print a CDIB for you and your department.

EXHIBIT "D"  
page 2.



**MEMORANDUM**

4-18-08

TO: Comanche Nation Departments

FROM: Enrollment Department

RE: Disenrolled Members

The following tribal members have been disenrolled from the tribe's membership roll 4-17-08 by a majority vote of the Comanche Nation Business Committee. Any questions please contact the Enrollment Department.

Dana Renee Aitson  
Roy Dale Aitson  
Shirley Hartline  
Deborah Hendrix  
Phillip Jesse Hendrix III  
Darlene Jojola  
Phillip Allen Kaulaity  
Lucien Lookingglass  
Richard Morris  
LaDora Nimsey

EXHIBIT "D"  
2 pages



JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service 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. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS  
**DEBORAH K. HENDRIX  
ET AL**

DEFENDANTS  
**WALLACE COFFEY, ET AL**

(b) County of Residence of First Listed Plaintiff **COMANCHE**  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant **COMANCHE**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

**PRO SE CIV-08-605**

**L**

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**25 USC Sec 1301-03 IN PART MATERIAL WITH KLU KLUX KLAN GR.**

Brief description of cause:  
**DEPRIVATION OF FEDERAL RIGHTS**

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: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

**PRO SE: Deborah Hendrix 580-588-2448**  
**ET AL**

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE