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L A W O F F I C E

PRINCIPAL
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Edgar French, President
Executive Committee
Delaware Nation
P.O. Box 825
Anadarko OK 73005

RE: CONSTITUTIONAL ELECTIONS UNDER THE OIWA

Dear President:

This memorandum is provided in response to contentions that the five (5) proposed amendments to the Constitution will force the Nation to adopt an entirely new Constitution. Fortunately, the number of amendments only affects the time frames imposed by the Bureau of Indian Affairs ("BIA") in conducting Secretarial elections. Under 25 C.F. R. § 81, if the changes are considered revisions, the BIA has 30 days to call an election to be set not less than 30 nor more than 60 days thereafter. If the change is considered an amendment, the Washington, D.C. office will review and call an election within 180 days. The federal regulations do not provide clear guidance as to what constitutes a revision as compared to an amendment, but the latter is defined in Section 81 as any modification, change, or total revision of a constitution. Again, the number of amendments only affects the time frames imposed by the BIA, and therefore, the Nation will not be forced to adopt a new Constitution.

Please contact me if there are any questions.

Sincerely,

STEVEN SANDVEN
Attorney for the Delaware Nation