



INTERIOR BOARD OF INDIAN APPEALS

Hilda Smoke, et al. v. Acting Eastern Area Director, Bureau of Indian Affairs

31 IBIA 121 (09/04/1997)

Denying reconsideration of:  
31 IBIA 99

Judicial review of this case:  
Plaintiffs' Motion for Summary Judgment Granted, *Ransom v. Babbitt*,  
69 F. Supp. 2d 141 (D.D.C. 1999)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

HILDA SMOKE et al.,	:	Order Denying Reconsideration
Appellants	:	
	:	
v.	:	
	:	Docket No. IBIA 97-126-A
ACTING EASTERN AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	September 4, 1997

This is an appeal from a May 2, 1997, decision of the Eastern Area Director, Bureau of Indian Affairs, concerning a November 30, 1996, referendum held by the St. Regis Mohawk Tribe. On July 31, 1997, on the basis of filings made by Appellants and the Area Director, the Board dismissed the appeal as moot. 31 IBIA 99.

Appellants have now filed a Petition for Reconsideration, contending that the appeal is not moot. They contend that the Area Director has declined to recognize a July 11, 1997, Tribal Council resolution. Further, they contend that, since July 31, 1997, they have been unable to persuade the Area Director and his staff to meet with them concerning the Tribe's governmental issues. They therefore ask the Board to restore this appeal to its docket and "issue an order recognizing the three chief system and Appellants." Petition for Reconsideration at 3.

Nothing in Appellants' Petition persuades the Board that it should reinstate this appeal. For one thing, as noted in the Board's July 31 order, a tribal election took place on June 7, 1997, after the Area Director's May 2, 1997, decision was issued. Likewise, the July 11, 1997, Tribal Council resolution cited by Appellants was enacted subsequent to the Area Director's decision. It is clear, therefore, that there has been a significant change of circumstances since the Area Director's decision was issued. Further, even if this appeal were reinstated, the Board would not have authority to grant the relief requested by Appellants. Under these circumstances, it would be a waste of judicial resources, as well as a waste of the parties' time, to continue with this appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, Appellants' Petition for Reconsideration is denied.

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Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge