



INTERIOR BOARD OF INDIAN APPEALS

Housing Authority of the Kiowa Tribe of Oklahoma v.
Southern Plains Regional Director, Bureau of Indian Affairs

37 IBIA 142 (02/20/2002)

Judicial review of this case:

Stipulated dismissal, *Housing Authority of the Kiowa Tribe of Oklahoma v. United States*,
CIV 02-0351 (W.D. Okla. Dec. 13, 2002)

Related Board cases:

36 IBIA 11

Reconsideration denied, 36 IBIA 59

Appeal dismissed, *Yeahquo v. Anadarko Agency Superintendent*,
Bureau of Indian Affairs, CIV-01-552
(W.D. Okla. Mar. 26, 2004)

37 IBIA 218



United States Department of the Interior

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INTERIOR BOARD OF INDIAN APPEALS
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HOUSING AUTHORITY OF THE	:	Order Affirming Decision
KIOWA TRIBE OF OKLAHOMA,	:	
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 02-42-A
SOUTHERN PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	February 20, 2002

Appellant Housing Authority of the Kiowa Tribe of Oklahoma sought review of an October 17, 2001, letter written by the Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA), to the Acting Deputy Assistant Secretary, Native American Programs, U.S. Department of Housing and Urban Development (HUD). The Regional Director’s letter indicates that it was written in response to an October 5, 2001, letter from the attorney for the Kiowa Tribe, regarding the ballot issues from a July 7, 2001, tribal election. The Regional Director’s letter states: “Therefore, we recognize and accept the decision issued in the above matter by the Kiowa Hearing Board as valid and binding on the Kiowa Tribe of Oklahoma.”

Appellant’s notice of appeal stated that it was an interested party in this matter; that it was not given notice of the Regional Director’s October 17, 2001, letter; that it received a copy of the letter from the Administrator of the Southern Plains Office of Native American Programs at HUD; and that it “objects to the unauthorized and wrongful interference of a BIA employee into intra-tribal matters that has now adversely affected funding agreements between [HUD] and [Appellant].”

In a January 3, 2001, order, the Board noted that there were two potential problems with this appeal: (1) As an instrumentality of the Kiowa Tribe, Appellant would be required to show that it was authorized under tribal law to bring this appeal and (2) Appellant would be required to prove that the Regional Director actually made a decision in this matter, rather than deferring to tribal resolution of the election issues.

The Board gave all parties until February 8, 2002, in which to respond to the problems which it had identified.

The Board received a response from the Regional Director on January 17, 2002, and from Appellant on February 6, 2002.

Appellant asserts that it is not an instrumentality of the Tribe, but instead was created under state law, and that consequently it has “standing to challenge tribal election results or any other matter by which it is aggrieved.” Appellant’s Response at 5. For purposes of this order only, the Board assumes that Appellant has standing to bring this appeal.

Substantively, Appellant disputes the authority of the Kiowa Hearing Board to address the election challenge under the circumstances of this case, arguing that the challenge was not timely filed. It contends that the Regional Director’s October 17, 2001, letter interprets tribal law in order to reach the conclusion that the Kiowa Hearing Board was acting within the scope of its authority.

The Board has, on numerous occasions, discussed the Federal policy of respect for tribal sovereignty and self-determination and the concomitant requirement that the Department of the Interior refrain from interfering in internal tribal disputes in order to allow tribes to resolve their own disputes. See, e.g., Alcantra v. Acting Pacific Regional Director, 37 IBIA 136, 137 (2002), and cases cited there. Appellant clearly believes that the Kiowa Hearing Board exceeded its authority in addressing the ballot issues. Appellant’s concern, however, is a matter that should be raised to the Tribe, not to BIA. Although the Regional Director’s discussion in his October 17, 2001, letter may have gone slightly beyond what was absolutely necessary, that fact does not change the intra-tribal nature of the underlying dispute. The Board declines to hold that the Regional Director erred in deferring to tribal resolution of this dispute.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Regional Director’s October 17, 2001, letter is affirmed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge