



INTERIOR BOARD OF INDIAN APPEALS

Patrick Stands Over Bull and Urban J. Bear Don't Walk v. Billings Area Director,  
Bureau of Indian Affairs

6 IBIA 98 (06/02/1977)

Amended:

6 IBIA 117



# United States Department of the Interior

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

ADMINISTRATIVE APPEAL OF PATRICK STANDS OVER BULL

v.

BILLINGS AREA DIRECTOR

and

ADMINISTRATIVE APPEAL OF URBAN J. BEAR DON'T WALK

v.

BILLINGS AREA DIRECTOR

IBIA 77-32-A

Decided June 2, 1977

IBIA 77-33-A

Combined appeals from an administrative decision of the Area Director, Bureau of Indian Affairs, Billings Area Office, concerning the validity of actions taken by Crow Indians during a continuation of a tribal council meeting on December 22, 1976.

Reversed.

APPEARANCES: Patrick Stands Over Bull, appellant, pro se; Urban J. Bear Don't Walk, appellant, pro se.

## OPINION BY ADMINISTRATIVE JUDGE HORTON

Patrick Stands Over Bull, Chairman of the Crow Tribal Council, and Urban J. Bear Don't Walk, a member of the Crow Tribal Council, filed separate appeals with the Commissioner of Indian Affairs objecting to an interim decision of the Area Director, Billings Area Office, Bureau of Indian Affairs, dated December 30, 1976. The interim decision was addressed to the Crow Agency Superintendent and contains the Area Director's viewpoint concerning the validity of certain matters voted on by members of the Crow Tribe on December 22, 1976.

By memorandum dated March 21, 1977, the Commissioner of Indian Affairs (Acting) referred the appeals of Patrick Stands Over Bull and Urban J. Bear Don't Walk to the Board of Indian Appeals in accordance with 25 CFR 2.19(a)(2). 1/

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1/ 25 CFR 2.19 (Action by Commissioner on appeal) provides at paragraph (a):

"Within 30 days after all time for pleadings (including extension granted) has expired, the Commissioner of Indian Affairs shall:

## I. Factual Background

On the afternoon of December 22, 1976, the Crow Tribal Council met in a special council meeting at Ivan Hoops Memorial Hall, Crow Agency, Montana. <sup>2/</sup> The Constitution and Bylaws of the Crow Tribal Council, as amended in 1962 and approved by the Secretary of the Interior, provides that all council meetings shall be preceded by 7 days public notice of any meeting and the notice is to include a listing in numerical order of the business to be considered by the council (Article VI, Section 3).

The foregoing section further provides: "No business shall be transacted at the meeting unless it has been included in the public notice."

The official public notice of the December 22 meeting was posted on December 14, 1976, by the Secretary of the Crow Tribal Council. The notice reported one item to be considered at the meeting, viz., "A Resolution Concerning Coal Negotiations With Shell Oil Company."

The above agenda was approved by action of the Executive Committee of the Crow Tribal Council which met on December 13, 1976. At this meeting "Bud" Fritzler, a member of the tribal council, presented the committee with a petition signed by 160 tribal voters requesting that the next meeting of the tribal council consider a resolution to suspend Tribal Chairman, Patrick Stands Over Bull.

Article VI, Section 4 of the Constitution and Bylaws of the Crow Tribal Council states: "(4) Item of business. Agenda of the tribal council meeting shall include all items required by the (1) tribal Chairman and committee, (2) Superintendent of the Crow Agency, and (3) any petition duly signed by 100 qualified voters \* \* \*."

Notwithstanding requirement (3) above, the proposed resolution to suspend the Tribal Chairman was not placed on the agenda of the December 22, 1976 council meeting.

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fn. 1 (continued)

"(1) Render a written decision on the appeal or (2) refer the appeal to the Board of Indian Appeals for decision."

By memorandum dated March 21, 1977, the Commissioner forwarded these appeals to the Board of Indian Appeals for decision noting that his office had been involved in the Area Director's decisionmaking.

<sup>2/</sup> Bylaws of the Crow Tribal Council provide for regularly scheduled quarterly meetings "and as many additional meetings as tribal business may require." Article VI, Section 2.

By letter dated December 13, 1976, seven members of the Executive Committee advised the Secretary of the Crow Tribal Council as follows:

A petition and resolution were presented to the Executive Committee at its meeting on Monday, December 11, [sic] 1976, to suspend the Tribal Chairman, Patrick Stands.

Upon reviewing the resolution, we, the undersigned members of the Executive Committee, hereby reject the resolution and do not want to place it on the agenda for the special council meeting to be held on Wednesday, December 22, 1976.

Our reasons for this decision are that the resolution states no reasons or specific acts of misconduct against the Chairman and does not give the Chairman due notice of the charges against him \* \* \*.

Because the official notice of the December 22 council meeting posted by the Tribal Council Secretary did not include the resolution calling for the suspension of the Tribal Chairman, "Bud" Fritzler posted his own notices in locations required for the display of official notices. Fritzler's unofficial notices stated that a resolution for the suspension of Patrick Stands Over Bull as Chairman of the Crow Tribal Council would be considered at the December 22, 1976 council meeting.

When the December 22 council meeting convened, over 900 voting members of the tribe were in attendance. <sup>3/</sup> The Board's task of ascertaining what transpired at this assembly is handicapped by an administrative record which contains two sets of council minutes which are contradictory. One set of minutes was prepared by Philip White Clay, Crow Tribal Council Secretary. The other set was submitted by Ellis "Rabbit" Knows Gun, Crow Tribal Council Vice-Secretary, who signed the minutes as "Acting Secretary."

The critical difference between the above two sets of minutes (hereafter referred to as the Secretary's minutes or the Vice-Secretary's minutes) is that the former reports that the Tribal Chairman properly adjourned the special council meeting subsequent

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<sup>3/</sup> The Tribal Chairman states this was the largest turnout in council history.

to a vote on a substitute coal resolution, whereas the Vice-Secretary's minutes reflect that the Tribal Chairman and many of his supporters walked out of the meeting prior to an official adjournment. Irrespective of this question, it is undisputed that at approximately 6:45 p.m. at least 288 voting members of the tribal council remained at Ivan Hoops Hall after the Tribal Chairman and about 628 other voting members of the tribe left the hall. 4/ Those staying purported to carry on the council meeting with Tribal Council Vice-Chairman Forest Horn presiding. Among other things, the group which stayed at the hall unanimously approved an amendment to the substitute coal resolution which had been considered while the Tribal Chairman was presiding, and a resolution to suspend the Tribal Chairman.

On December 27, 1976, Patrick Stands Over Bull sent a memorandum to the Crow Agency Superintendent claiming that the foregoing actions were illegal and in violation of the Constitution of the Crow Tribe. In closing he stated:

The Crow Tribe has a great deal of important business to transact daily. My position as Crow Tribal Chairman should require and I do solicit the support of the Superintendent of the Crow Indian Agency to effect good government for the Crow people and maximum protection of their rights and property.

Your public statement upholding my elected office as Chairman of the Crow Tribal Council and upholding the provisions of the Crow Constitution and Bylaws should be made at once. Awaiting your reply and support.

On December 29, 1976, the Acting Superintendent of the Crow Agency wrote a memorandum to the Area Director, Billings Area Office, in which he requested an opinion as to the legality of the continuance of the December 22, 1976 council meeting.

The Area Director's December 30, 1976 reply to the inquiry by the Crow Agency contains decisions which are the subject of the appeals now before the Board. As summarized below the Area Director concluded, among other things, the following:

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4/ Based on votes cast before and after the Tribal Chairman's departure.

1. Under the procedural rules of the council, the December 22, 1976 meeting was not properly adjourned by the Tribal Chairman. Accordingly, the continuation of the meeting by the Vice-Chairman was valid.

2. The substitute coal resolution as amended in the continuation session was germane to the original resolution presented at the beginning of the council meeting which authorized negotiations with Shell Oil Company for coal development. 5/ Accordingly, passage of the amended substitute resolution by the council during the continuation session constituted an enforceable, official action.

3. Notwithstanding that there are serious questions about the validity of the Executive Committee's decision to keep the suspension resolution off the notice and agenda of the December 22 special council meeting, the fact remains that the proposal was not included in either. Moreover, there is no indication in the draft minutes of the Secretary or minutes of the Vice-Secretary that any party objected to the absence of the item from the agenda at the outset of the meeting. Because the council cannot supplement the agenda with new items according to tribal council rules, the suspension resolution could not properly be considered by the continuation session. Accordingly, the Bureau will continue to recognize the Chairman as the top executive officer of the Tribe. 6/

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5/ The amended substitute coal resolution (Resolution No. 77-13) prohibits any further discussion with Shell Oil Company and reaffirms the council action of October 9, 1976, establishing through Resolution No. 77-08 a Crow Coal Authority to negotiate only with companies holding leases off the reservation. In addition, Resolution No. 77-13 declares an appropriation of \$25,000 for the second half of FY 1976-77 "to allow for per diem and mileage of Crow Coal Authority members in their discussions with Amax and Westmoreland Coal Companies."

6/ The Area Director noted in this part of his decision that there is a question as to whether the suspension action was a valid exercise of the powers of the General Council. Because of his determination that the suspension proposal was not properly added to the agenda, the Area Director explained that it was not necessary to address this related question. The Area Director went on to point out: "this is the first time in recent history when any disciplinary action has been proposed against a Constitutional Officer of the Tribe and particularly since the passage of the Indian Civil Rights Act of 1968. Accordingly, the Crow Tribal Council should be advised to proceed with scrupulous adherence to the principle of due process."

By memorandum dated January 4, 1977, Patrick Stands Over Bull appealed the Area Director's December 30, 1976 decision to the Commissioner. Specifically, the Tribal Chairman seeks an administrative determination that ruling (1) and (2) above are in error.

In a memorandum brief dated January 24, 1977, Urban J. Bear Don't Walk on his own behalf "as well as other Crow tribal members similarly situated" appealed to the Commissioner "to quash an unlawful and unwarranted intervention into an entirely intra-tribal matter by James F. Canan, Billings Area Director, Bureau of Indian Affairs." In substance, Urban J. Bear Don't Walk contends that all actions taken by tribal members in the continuation session of the December 22, 1976 council meeting are valid and that the Bureau has no lawful authority to approve or disapprove those actions.

## II. Jurisdiction

Is the controversy presented in these appeals one in which the Bureau of Indian Affairs and the Secretary of the Interior should become involved?

The Area Director gave the following justification for participating in the matter on appeal in a memorandum to the Commissioner dated February 16, 1977:

We believe very strongly that to the maximum extent possible the Crow Tribe should resolve its own internal tribal affairs, and we believe that every resolution and every question that arises should be resolved in this way. However, the Crow Tribe has no machinery, either through the tribal courts or through any other arrangements, to resolve disputes of this kind, except to go back to another meeting of the General Council. When the actions of the General Council itself are questioned, there is no way in which this can be resolved within the Tribe.

Even so we have taken the position that when appeals are made to this office regarding Council action, that we not intervene unless it was determined by us that some decision was required by the Bureau in order to determine what appropriate actions Bureau officials could or should take. In other words, we will only make those decisions which are required to permit Bureau officials to take appropriate action as required by law, and in those circumstances we would then review the actions of the Council or the Council Committee in order to determine what our position will be.

We would recommend strongly that the Council be urged to set up appropriate machinery to resolve all disputes so that the Bureau could rely on that process when appeals are raised. Until the Council takes such action and until such machinery is established, we feel we have no choice but to continue making those decisions which are required in order to permit continued action by Bureau officials with relationship to the Tribe.

This Board believes prevailing concepts in Indian law require some modification to the role of the Bureau described above as applied to the factual circumstances before us. Specifically, we do not think it is permissible for the Bureau to regard the governing body of the Crow Tribe as an inadequate forum for the resolution of disputes "[w]hen the actions of the General Council itself are questioned." Accordingly, although Bureau intervention in this matter was undoubtedly founded on good intentions, 7/ and in fact arose upon request of the Tribal Council Chairman, 8/ its actions were nevertheless premature.

The threshold question which the Superintendent and Area Director were asked to answer prior to the initiation of these appeals was whether or not the Tribal Chairman properly adjourned the special council meeting of December 22, 1976. This is obviously not a question involving Bureau expertise; it is on the other hand a simple parliamentary question which the next assembly of the Crow Tribal Council could and should have resolved. 9/

Inherent in the authority of a tribe to govern itself is its authority to determine the manner in which differences are resolved. McCurdy v. Steele, 506 F.2d 653 (10th Cir. 1974). So long as Indian tribes do not violate the Indian Civil Rights Act of 1968, 25 U.S.C. § 1302, they may structure their government in any manner they please. Howlett v. Salish and Kootenai Tribes, 529 F.2d 233 (9th Cir. 1976). The Bureau of Indian Affairs, under the guise of fulfilling its trust

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7/ As stated at page 4 of the Area Director's December 30 memorandum, his decision was "aimed at providing for orderly government within the tribal organization."

8/ Memorandum from Chairman, Crow Tribal Council, to Superintendent, Crow Indian Agency, dated December 27, 1976.

9/ The Crow Tribal Council, which the record shows supplements its own rules with Robert's Rules of Order, met in quarterly session on January 8, 1977, only 17 days after the special council meeting of December 22, 1976.

The Superintendent of the Crow Agency is permitted to add items to the council agenda pursuant to Article VI, Section 4 of the Tribe's Constitution and Bylaws.

responsibility, cannot take actions which intrude on the right and power of Indian peoples to govern themselves. Cheyenne River Sioux Tribe v. Kleppe, 424 F. Supp. 448 (D. SD 1977).

For Bureau personnel charged with the responsibility of monitoring the affairs of a politically divided tribe, it is no doubt a frustrating experience to observe important tribal business jeopardized by council disruptions. The Crow people, however, must be allowed the opportunity to settle their own parliamentary squabbles, among others, if the concept of Indian self-government is to have continued vitality.

The Area Director apparently considered it necessary to rule on the adjournment question as a prerequisite to determining the validity of both the amended substitute coal resolution and the suspension resolution which were passed by the continuation session of the special tribal council. Formal adoption by the Crow Tribe of the amended substitute coal resolution (or of the substitute resolution without amendment) entails approval of funding by the Bureau which it would be remiss to ignore. The suspension resolution, if valid, would require the Bureau to cease recognition of Patrick Stands Over Bull as Chairman of the Crow Tribe. Both propositions, therefore, are ones in which the Bureau has an interest.

However, based on our opinion that the adjournment controversy was one solely within the authority of the tribe to decide, we hold it was error for the Bureau to take action on the coal and suspension resolutions approved in the continuation meeting on grounds that such meeting was valid, pending a tribal determination of the foregoing parliamentary issue. 10/

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10/ The special council minutes prepared by the Vice-Secretary indicate that after the Tribal Chairman made his controversial ruling of adjournment, the Tribal Vice-Chairman and Vice-Secretary in conjunction with the Crow Agency Superintendent and Crow Tribal attorney, caucused "to determine whether the meeting had been properly adjourned." After it was decided in the caucus that the adjournment was improper, the special council was called back to order by the Vice Chairman with approximately one-third of the original assembly in attendance.

We fail to see how the above caucus, which was attended by only two council members, could render a "tribal determination" that the meeting had been improperly adjourned. More obviously, the Superintendent's opinion on this question, which was relied upon by the Area Director in his December 30 decision, cannot possibly be tantamount to a decision by the tribe.

Since we believe it is immaterial whether we think the December 22 special council meeting was properly adjourned by the Tribal Chairman, we shall not interpret the evidence on this point. In addition to the reasons already set forth, we recognize that any such interpretation by this Board would be counter to the spirit of the Constitution and Bylaws of the Crow Tribe, as approved by the Secretary of the Interior, which provides at Article VII, Section 8: "The Bureau of Indian Affairs, being a part of the United States Government, shall in no wise interfere directly or indirectly through its field representatives or agents with the deliberations or decisions of the Crow Tribal Council \* \* \*."

### III. Effects of Decision

We have ruled today that the Crow people must be given the chance to decide for themselves whether any validity should be given to the actions of those who continued the special council meeting of December 22, 1976. 11/ It is possible that during the time in which these appeals have been processed, the tribe has acted to permanently resolve certain of its disputes. We note, for instance, that at the January 8, 1977 tribal council meeting, Patrick Stands Over Bull submitted to a tribal vote on a suspension proposal which was defeated.

The more urgent matter over which the Crow Tribe must find agreement is the problem of coal development. The Tribal Chairman has questioned the establishment of the Crow Coal Authority in a previous complaint, but unless the tribe has rescinded Resolution No. 77-08 adopted by the council on October 9, 1976, we do not see how the existence of the Crow Coal Authority is open to question. 12/

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11/ This holding does not mean that the BIA is barred from advising the tribe or rendering decisions on matters in which the Bureau is legally or trust bound to participate. The United States Treaty with the Crow Tribe signed in 1868 requires the Crow Agency to faithfully discharge those matters enjoined on it by law. We have simply ruled, in effect, that the Area Director, in his enthusiasm to bring order to tribal government, infringed on the inherent right of the Crow Tribe to solve its own problem.

12/ Superintendent Lozar of the Crow Agency replied to the Tribal Chairman's inquiry asking for approval or disapproval of Resolution No. 77-08 by stating that the resolution as adopted did not require any Bureau action. He explained: "This was because nothing in the resolution involved the direct responsibilities of the Bureau and no trust funds or other actions that would require Bureau approval were involved." Area Director's Memorandum to the Commissioner, dated February 16, 1977, p. 4.

Prior to the contested adjournment of the December 22 council meeting, a substitute resolution, which reaffirmed the provisions of Resolution No. 77-08 and appropriated \$10,000 for the second half of FY 1976-77 for functioning of the Crow Coal Authority, was approved by a vote of 507 for the resolution and 410 against. The record is not clear whether the preceding vote was merely for "consideration" of the substitute resolution (as reported in the Vice-Secretary's minutes) or whether it was for adoption of the substitute resolution (as reported in the Secretary's minutes). Whichever was the case, 13/ disruptions erupted in the hall subsequent to the vote and the Tribal Chairman's announcement of adjournment followed.

We believe it is incumbent on the Crow Tribal Council, not the Bureau of Indian Affairs or this Board, to clear the air on the above controversy. If the consensus of the council is that the balloting on the substitute resolution was merely for "consideration" of the proposal, then the Crow Tribal Council, in accordance with its rules, should proceed at once to either complete its unfinished business 14/ or certify as valid the business transacted in the December 22 continuation meeting. 15/

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13/ Appellants' respective positions are as follows: If the vote was for "consideration" of the substitute resolution, the continuation session was necessary to complete the item of business (Urban J. Bear Don't Walk); if the vote was for adoption of the substitute resolution, there was no further business on the agenda and adjournment was appropriate (Patrick Stands Over Bull).

14/ Robert's Rules of Order, § 21 (b), Effect of Adjournment on Pending Business, provides: "If a question was pending at the time of adjournment, it is taken up as the first item under unfinished business - resuming the question at exactly where it was previously interrupted."

15/ There would appear to be no obstacle to a certification by the tribe of the validity of the amended substitute coal resolution approved in the continuation meeting. A blanket certification of the meeting as a whole, however, would have a questionable effect on the suspension resolution adopted in that meeting, particularly in view of the recent vote by the council disapproving a suspension resolution. A host of factors, including the Tribal Chairman's absence from the continuation session, poses strong doubt that a suspension of the Tribal Chairman based on action taken on December 22, 1976, would pass muster under the Indian Civil Rights Act of 1968. In addition to the suspension resolution, various other matters were also acted on at the continuation meeting which were not listed on the published agenda. Certification of these actions would seem to conflict with the tribe's notice of business rule.

If the tribal council refrains from addressing the above question, 16/ we believe the Bureau must tailor its future activities according to the official minutes of the Crow Tribal Council as submitted by the Tribal Council Secretary. These are the only minutes which are presented to the tribal council for approval. 17/ Regardless of whether tribal members usually avail themselves of the opportunity, the occasion presents itself at each meeting for correction of minutes as the council deems necessary.

By letter dated February 15, 1977, the Billings Area Director advised the Crow Tribal Chairman that pending disposition of his appeal to the Commissioner,

[W]e will be recognizing the validity of the resolution which set up the Crow Coal Authority and appropriated funding in order for that group to operate. Accordingly, I have instructed the Superintendent to arrange for some funding of the Crow Coal Authority with the actual amount to be determined on the basis of continued action by the Budget Committee of four Officers \* \* \*.

While we have indicated that the Area Director's interim decision to recognize the amended substitute coal resolution adopted by the continuation meeting of December 22, 1976, must be reversed, our decision does not require termination of recognition or funding of the Crow Coal Authority. The Tribal Chairman concedes that the substitute resolution, which appropriated \$10,000 to the Crow Coal Authority as opposed to \$25,000 as attempted by the amended substitute resolution, was adopted by a majority of the tribal council. 18/

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16/ There are indications that it may. The Tribal Chairman points out in his March 10, 1977 appellate brief that at the quarterly council meeting in January 1977 "there was no protest made when a motion was entertained to 'waive' reading the minutes of the council of December 22, 1976." The Chairman asks, "If there was so much objection to the December 22, 1976, meeting as Mr. Bear Don't Walk alleges, why didn't even one person make a request that the minutes be read so that protests could be lodged."

17/ The Area Director states in his February 16, 1977 memorandum to the Commissioner that "generally there can only be one set of official minutes for the Crow Tribe \* \* \* only the council itself can finally determine what are the official minutes \* \* \*."

18/ The Tribal Chairman argues on appeal, however, that this action of the council is invalid because (1) the substitute resolution was not on the agenda and is not germane to the one agenda item noticed and (2) the resolution contains provisions which are contrary to the tribal constitution.

Even though the substitute resolution as adopted contains an apparent constitutional defect which was stricken from the amended version, 19/ we know of no tribal laws or rules which preclude enforcement of the valid provisions of the resolution. 20/

#### IV. Dictum

The administrative record reveals a failure on the part of the Executive Committee to place an item on the agenda of a tribal council meeting which had been properly requested by over 100 qualified tribal voters by way of petition. This action appears violative of Article VI, Section 4 of the Constitution and Bylaws of the Crow Tribal Council. The item omitted, a resolution calling for the suspension of the Tribal Chairman, was intentionally left off the council agenda out of concerns for due process of law. However, we know of no reason why the tribal council cannot afford due process in matters of this kind if appropriate steps are taken before and during the council meeting. See, Howlett v. Salish & Kootenai Tribes, supra at 240. Moreover, the committee's refusal to abide by the tribe's constitutional requirements in the way described could itself prove actionable under the Indian Civil Rights Act.

#### V. Order

Now Therefore, by virtue of the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, IT IS ORDERED that the December 30, 1976 interim decision of the

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19/ The final paragraph of the substitute resolution provides:

“And be it finally resolved; that the Crow Tribal Council deeming this to be a very important resolution hereby prohibits passage of any other resolution in conflict with this resolution, unless that resolution has a 2/3 majority vote of the Crow Tribal Council.”  
See Area Director's discussion of this provision at p. 2 of his December 30, 1976, decision.

20/ In recognizing the validity of the substitute resolution as qualified, we concur with the Area Director and Field Solicitor that the substitute resolution is germane, by tribal standards, to the resolution cited in the public notice and agenda of the meeting. Such interpretation is based on our understanding of historical practices of the Crow Tribe in entertaining similar amendments to resolutions. It is emphasized, however, that the Tribal Council possesses the authority to enforce a strict interpretation of its business transaction bylaw (Article VI, Section 3) at any time. We subscribe to the view that deference must be given to the tribe's interpretation of its constitution. Tom v. Sutton, 533 F.2d 1101, 1106 (9th Cir. 1976).

Area Director, Billings Area Office, Bureau of Indian Affairs, be, and the same is, hereby REVERSED as follows:

1. It was erroneous for the Area Director to conclude that the continuation meeting was valid since this was a matter for the Crow Tribal Council to decide.
2. It was erroneous for the Area Director to give effect to the amended substitute coal resolution approved by tribal members in attendance at the continuation meeting prior to any determination by the Crow Tribal Council that said resolution constitutes an enforceable, official action of the Crow Tribal Council.

The Area Director's ruling in his December 30, 1976 decision that Tribal Chairman Patrick Stands Over Bull was not suspended from office as a result of the suspension resolution adopted in the continuation meeting is AFFIRMED on different grounds. The basis for continued recognition of Patrick Stands Over Bull as Chairman of the Crow Tribal Council by the Bureau of Indian Affairs is that the Crow Tribal Council has never declared as valid any actions taken during the continuation meeting of December 22, 1976.

For the reasons above, the appeal of Urban J. Bear Don't Walk is DENIED, except that this Order recognizes that the Crow Tribal Council has funded the Crow Coal Authority in the amount of \$10,000. The appeal of Patrick Stands Over Bull is SUSTAINED IN PART and DENIED IN PART, as follows: It is sustained in that we hold none of the actions of the continuation meeting are at this time recognizable by the Bureau of Indian Affairs. It is denied in that the substitute coal resolution voted on by the Crow Tribal Council prior to adjournment of the December 22, 1976 special council meeting, save for that portion which is known by the Crow Tribal Council to be in violation of its Constitution and Bylaws, is to be recognized by the Bureau of Indian Affairs until such time, if ever, the Crow Tribal Council amends or rescinds said resolution.

IT IS HEREBY FURTHER ORDERED that the Crow Agency Superintendent exercise the privilege conferred on him by Article VI, Section 4 of the Constitution and Bylaws of the Crow Tribal Council by requesting that the next meeting of the Crow Tribal Council include on its business agenda the following: (1) Whether the actions of those who continued the special council meeting of December 22, 1976, following the Tribal Chairman's announcement of adjournment, constitute enforceable resolutions of the Crow Tribal Council, and (2) completion of

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unfinished business, if any, pending at the time the Tribal Chairman declared the meeting of December 22, 1976, to be adjourned.

This decision is final for the Department.

Done at Arlington, Virginia.

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Wm. Philip Horton  
Administrative Judge

We concur:

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//original signed  
Alexander H. Wilson  
Chief Administrative Judge

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//original signed  
Mitchell J. Sabagh  
Administrative Judge