



INTERIOR BOARD OF INDIAN APPEALS

Clara Nomee v. Billings Area Director, Bureau of Indian Affairs

18 IBIA 367 (07/13/1990)



United States Department of the Interior

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

CLARA NOMEЕ,	:	Order Dismissing Appeal as Moot
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 90-71-A
ACTING BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	July 13, 1990

This is an appeal from a March 12, 1990, letter of the Acting Billings Area Director, Bureau of Indian Affairs, declining to recognize minutes prepared by appellant, as well as certain resolutions, from a Crow Tribal Council meeting held on January 13, 1990.

Appellant, who had been Secretary of the Crow Tribe, was held in a Crow Tribal Court decision of December 22, 1989, to have been removed from office on October 8, 1988. Real Bird v. Nomee, Civ. No. 89-296, Crow Tribal Court.

The resolutions at issue in this appeal, if valid, would have reinstated appellant as Secretary, removed authority from Crow Tribal Chairman Richard Real Bird, and vested that authority in appellant. Appellant's minutes record disputed continuation of the January 13 meeting, during which the resolutions were adopted.

Appellant was elected Chairman of the Crow Tribe on May 12, 1990, and assumed office on July 2, 1990. This appeal has been rendered moot because Real Bird is no longer in office and appellant has now been vested with the authority she sought to achieve through this appeal.

The Board follows the doctrine of mootness and normally declines to consider moot issues. While it recognizes an exception to the mootness doctrine where there is a potentially recurring question capable of repetition yet evading review, the Board is especially reluctant to invoke this exception in cases involving intra-tribal disputes. In Sahmaunt v. Anadarko Area Director, 17 IBIA 60 (1989), the Board declined to invoke the exception in a case involving a tribal election dispute where a subsequent election had taken place, in which the appellant participated. Further, the Board stated:

[T]he dispute which gave rise to the appeal was an internal tribal matter and involved the interpretation of a provision of the tribal constitution. The Board undertakes to interpret tribal law only where there is a clear necessity to do so; it has declined to invoke the

exception to the mootness doctrine where, in order to render a decision on the merits, it would have been required to interpret tribal law. Fort McDermitt Paiute Shoshone Tribe v. Acting Phoenix Area Director, 16 IBIA 221 (1988).

17 IBIA at 64. For the reasons discussed in Sahmaunt, the Board declines to invoke the exception to the mootness doctrine in this case.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Acting Billings Area Director's March 12, 1990, decision is dismissed as moot.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge