



INTERIOR BOARD OF INDIAN APPEALS

Jerry Haney, Principal Chief, Seminole Nation of Oklahoma v.
Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs

35 IBIA 155 (08/23/2000)



United States Department of the Interior

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

JERRY HANEY, PRINCIPAL CHIEF,
SEMINOLE NATION OF
OKLAHOMA,
Appellant
v.
ACTING EASTERN OKLAHOMA
REGIONAL DIRECTOR, BUREAU
OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing Appeal
: as Moot
:
:
:
: Docket No. IBIA 00-102-A
:
:
: August 23, 2000

Appellant Jerry Haney, Principal Chief, Seminole Nation of Oklahoma, seeks review of a June 29, 2000, letter from the Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs (Regional Director). The letter was written in anticipation of a July 1, 2000, election to amend the Nation's Constitution. The Regional Director stated that, although he had "not been asked to review the proposed [constitutional] questions, * * * we are obligated to advise you that under the current circumstances we cannot recommend approval of the proposed questions."

Appellant's notice of appeal, which the Board received on July 24, 2000, indicated that the election had been held as scheduled on July 1, 2000. On July 25, 2000, the Board ordered Appellant to show why this appeal had not been rendered moot by the holding of the election.

In a response which the Board received on August 18, 2000, Appellant indicated that all of the proposed amendments, including those about which the Regional Director had expressed concerns in the June 29 letter, were approved by the Nation's voters. Appellant made four statements as to why he believed this appeal was not moot. In summary, Appellant asserts that there is still an active controversy over what he alleges to be an improper basis for the Regional Director's statements in the June 29 letter.

The Board has no doubt either that Appellant continues to object to the basis of the Regional Director's letter, or that Appellant will raise those objections again if the Regional Director takes action consistent with the contents of the letter in response to the voters' approval of the proposed constitutional amendments. However, the June 29 letter merely provided information to the Nation in anticipation of a future event. Whatever force or effect this particular

letter may have had prior to the election, it had no force or effect once the election was held. Consequently, the Board concludes that an appeal from the June 29 letter is moot.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Regional Director's June 29, 2000, letter is docketed, but is dismissed as moot.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge