



## INTERIOR BOARD OF INDIAN APPEALS

Earl Yeahquo, et al. v. Southern Plains Regional Director, Bureau of Indian Affairs

36 IBIA 11 (01/30/2001)

Reconsideration denied:

36 IBIA 59

Judicial review of this case:

Appeal dismissed, *Yeahquo v. Anadarko Agency Superintendent, Bureau of Indian Affairs*,  
No. CIV-01-552 (W.D. Okla. Mar. 26, 2004)

Related Board cases:

37 IBIA 142

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

37 IBIA 218



# United States Department of the Interior

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

EARL YEAHQO, EDNA BOINTY,	:	Order Dismissing Appeal
RANDLETT HALL, BRENDA MYERS,	:	
and MARY ZUMWALT,	:	
Appellants	:	
	:	
v.	:	Docket No. IBIA 01-6-A
	:	
SOUTHERN PLAINS REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 30, 2001

This is an appeal from an August 24, 2000, decision of the Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA), dismissing as moot an appeal concerning the validity of resolutions enacted by the Kiowa Business Committee between January 20, 2000, and June 3, 2000. For the reasons discussed below, the Board dismisses this appeal.

The first BIA decision in this matter was issued on March 23, 2000, by the Superintendent, Anadarko Agency, BIA, who held that Business Committee resolutions enacted after January 20, 2000, could not be recognized by BIA because they were enacted in the absence of a quorum. The Superintendent indicated that she was required to issue a decision in the matter because some of the resolutions had implications for BIA and its responsibility for Federal and tribal trust funds.

The Superintendent's decision was appealed to the Regional Director. On June 3, 2000, a tribal election was held. The election was disputed but was found valid by the Court of Indian Offenses for the Kiowa Tribe (CFR court). Spotted Horse v. Tahsequalah, CIV-00-A25 (June 30, 2000). On August 24, 2000, the Regional Director dismissed the pending appeal as moot in light of the June 3, 2000, election and the June 30, 2000, CFR court decision.

Upon receipt of Appellants' notice of appeal, the Board ordered Appellants to show their standing to bring the appeal and to show why the issue of the validity of the tribal resolutions should not be decided by a tribal forum. The Board allowed interested parties to respond to

Appellants' arguments. Two responses were filed, one by the Regional Director and the other by the present Tribal Chairman, Billy Evans Horse, and three present Business Committee members, Emily Satepauhoodle, William Tartsah, and Richard Tartsah, Jr. Appellants filed a reply.

Appellants contend that they have standing here as current and former members of the Business Committee because they "have an interest in seeing that their actions individually, and collectively as the [Business Committee], on and after January 20, 2000 are valid and enforceable." Appellants' Response to September 29, 2000, Order at 4. They also contend that they have standing to bring this appeal on behalf of the Tribe, which has an interest in the matter. As to why this dispute should not be resolved in a tribal forum, Appellants contend that the dispute must be resolved by the Board because the Board is the only forum with jurisdiction to review decisions made by the Regional Director.

Appellants' contention that they are representing the Tribe in this matter may be easily disposed of. They produce absolutely nothing to show that the Tribe has authorized them to bring this appeal on its behalf.

Only two of the Appellants are presently members of the Business Committee. They do not purport to represent the Business Committee. It is apparent that none of the Appellants have any more authority to speak for the Business Committee than they do for the Tribe as a whole. Thus Appellants must show that they have standing here as individuals.

The Board has held on several occasions that individual tribal members lack standing to appeal a BIA action to the Board based on a personal assessment as to what is in the best interest of the Tribe. E.g., *Hunt v. Aberdeen Area Director*, 27 IBIA 173 (1995), and cases cited therein. The guiding principle of these decisions is the well-established Federal policy of respect for tribal self-government, which counsels that the Federal government refrain from interfering in intra-tribal disputes. Even where BIA is required to act in connection with its government-to-government responsibilities, it must do so in the least intrusive way possible. E.g., *Wells v. Acting Aberdeen Area Director*, 24 IBIA 142 (1993).

An integral feature of this Federal policy is the principle that intra-tribal disputes, including disputes concerning the validity of tribal council actions, should be resolved in tribal forums. E.g., *Madison v. Acting Portland Area Director*, 33 IBIA 278 (1999). Where a BIA decision concerns an intra-tribal matter, the BIA decision is secondary to a decision by a tribal forum in that matter. Therefore, the Board customarily requires that tribal remedies be exhausted before a tribal member may seek relief from the Board. E.g. *Wanatee v. Acting Minneapolis Area Director*, 31 IBIA 93 (1997).

One appropriate forum in this case would appear to be the present Business Committee, which could choose to ratify or disavow the disputed resolutions, thus clarifying their status for present and future purposes. 1/

Appellants contend, however, that there is a need to know whether the disputed resolutions were valid during the period January 20, 2000, through June 3, 2000. For this purpose, they have a forum in the CFR court, which serves as a tribal court for the Kiowa Tribe. The CFR court has already addressed the validity of some of the disputed resolutions. See Palmer v. Bointy, CIV-00-A11 (Apr. 14, 2000); Geimausaddle v. Bointy, CIV-00-A07 (Mar. 30, 2000). Thus it is apparent that the CFR court has asserted jurisdiction over the issue raised in this appeal.

Appellants have failed to show that they have standing under the principles discussed above. Further, they have failed to show that they have exhausted their tribal remedies.

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 is dismissed.

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Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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1/ The Regional Director states that the Business Committee has refused to recognize the resolutions. It is not clear from his statement whether the Business Committee has taken specific action to disavow the resolutions or has simply not acted to ratify them.