



In the Trial Court of the Kiowa Tribe
at
Carnegie, Oklahoma

CHAIRMAN LAWRENCE SPOTTEDBIRD,)
Plaintiff,)
v.)
KIOWA TRIBE LEGISLATURE, Et Al,)
Defendants.)

Case No. KT-CV-26-0004
Judge: Mitchell



ORDER ON COMPLAINT FOR TEMPORARY RESTRAINING ORDER AND/OR
INJUNCTIVE RELIEF

This matter comes before the Court upon a Complaint filed by the Plaintiff on February 26, 2026, seeking the Court’s intervention in impeachment proceedings beginning March 2, 2026. Defendant filed a Response on February 28, 2026, pursuant to an expedited briefing schedule. The Court makes findings and rulings as follows.

I. Jurisdiction

The Court first finds that pursuant to the Kiowa Constitution Article VIII Section 5, this Court has jurisdiction over this matter. That, however, is not the end of the inquiry. As this is a dispute between two branches of government, the question then becomes whether the Complaint filed by Plaintiff raises a political question, which then divests this Court of its jurisdiction.

The Kiowa Executive Branch asks the Kiowa Court to intervene and delay the impeachment, at a minimum, or to even go so far as to declare the impeachment process invalid and dismiss the impeachment outright. The Kiowa Legislative Branch asks the Court to find that there is in fact a political question at issue and therefore that this Court lacks jurisdiction.

While there is limited precedent regarding this issue from the Kiowa Trial Court or Kiowa Supreme Court, the Court is guided by United States Supreme Court precedent as well as the Kiowa Constitution. The Kiowa Constitution specifically grants the Court the power and duty “to interpret the Constitution and the laws of the Tribe,” and “to declare the laws of the Tribe void if such laws are not in agreement with the Constitution.” Kiowa Constitution Article VIII Section 6 (a) and (b).

The United States Supreme Court has stated that a controversy involves a political question “where there is a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it.” Nixon v. United States, 506 U.S. 224, 228 (1993). The Legislative Branch argues that they are, as in the United States Federal System, the sole political body with the power to impeach. It

is noted that the Kiowa Constitution, however, also provides a mechanism for “recall” of an elected official by the Kiowa People themselves, which is distinguishable from the United States Federal Constitution. Regardless, the Complaint does not attack the charges themselves so much as the process of scheduling the upcoming hearings, adopting rules for the hearings, and whether the Kiowa Constitution was complied with, which turns on interpretation of several provisions of the Kiowa Constitution, which is the sole purview of the Kiowa Judicial Branch.

Therefore the Court finds that it does have jurisdiction to consider the narrow issues raised as the constitutionality of notice and whether Article XII provides Due Process in accordance with Article I of the Kiowa Constitution.

That does not mean, however, that the Court has jurisdiction to make findings of fact or pass judgment on the merits of the charges themselves or whether impeachment is proper. Those are functions not within the powers of the Judicial Branch as the impeachment process rests solely with the Legislative Branch.

II. Sovereign Immunity

The Court finds that the Kiowa Constitution clearly grants Legislators and the Legislature Sovereign Immunity unless they are engaged in “an executive function.” The Plaintiff does not argue as to whether impeachment is an executive function. The Court finds that the impeachment process is not an executive function of the Kiowa Legislative Branch and is instead a power specifically granted to the Legislative Branch by the Kiowa Constitution. Therefore, the exercise of such power is within their enumerated powers and official capacities as legislators, and they are thereby immune from suit in this instance.

III. Chairman as Employee

The Court rejects the Plaintiff’s arguments that the Chairman is an employee of the Kiowa Tribe with regards to the Kiowa Constitution Article I Section 1 (f). The Chairman is an elected official subject to Article XII of the Constitution, which section complies with the overall Due Process provisions of the Constitution.

IV. Adequate Notice

In determining whether “adequate notice” was provided and whether such notice was constitutionally sound, the Court looks to the specific facts of this case. Per the Plaintiff’s own Complaint, these proceedings began in earnest in October of 2025, with legislative hearings amounting to an “investigation,” again per the Plaintiff’s own Complaint. In addition, the Plaintiff was notified of the pending impeachment on February 14, 2026, and that a hearing would be set on March 2, 2026. Therefore, the Plaintiff had 16 days to prepare for the hearing, or at a minimum to request additional time from the Legislature. The Court is somewhat troubled that the Complaint was not filed until 4 days prior to hearing, almost 2 weeks after receipt of the notice of impeachment. There is nothing in the record showing that the Plaintiff has attempted to request additional time, and that such request has been denied by the Legislature. Last, the Court takes judicial notice of Resolution KL-CY-2017-025, which

provides that the Legislature must provide the charges and notice of hearing a mere 5 days prior to hearing, which Resolution is not being, and has not been, challenged as being unconstitutional. The Court finds that Plaintiff has had sufficient notice of the nature of the charges and the date of hearing. The Court also rejects Plaintiff's contention that there must be an "emergency" to proceed with haste. An impeachment by its very nature must be resolved quickly.

V. Relief Sought

While, as stated above, the Court finds that it does have jurisdiction to interpret the Kiowa Constitution with regards to specifically raised provisions, it does not then follow that the Court has the power to intervene in the process of a clearly enumerated power granted to the Legislative Branch. In addition, it would not be appropriate for the Court to Order that the Plaintiff be permitted to use Tribal funds or resources in his defense or that the Legislature be responsible for his attorney's fees. There is simply no precedent or basis in the Constitution for that relief.

THEREFORE, the Court makes the limited findings that the process for impeachment enumerated in the Kiowa Constitution Article XII is constitutional with regards to the due process provisions of Article I, and that the Legislature is entitled to Sovereign Immunity in this instance. The relief requested in the Complaint is DENIED and the matter is DISMISSED.

This is a final order that may be appealed in accordance with the Kiowa Rules of Appellate Procedure.

SO ORDERED.

This the 1st day of March, 2026.



Heather Mitchell, Chief Judge

CERTIFICATE OF MAILING

I, the undersigned Court Administrator, hereby certify that I emailed, faxed, hand delivered, or mailed a true and correct copy of this document to the following interested parties:

VIA EMAIL:

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I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, CORRECT AND COMPLETE COPY OF THE INSTRUMENT HERewith SET OUT AS IT APPEARS ON RECORD IN THE OFFICE OF THE COURT CLERK, KIOWA TRIBAL COURT.

Witness my hand and seal on this 1ST Day of

March, 2026

By: *Marguerite S. Pinn*
Court Clerk / Deputy