

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes (the “Tribe”) generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** The land and resources within the Fort Berthold reservation established for the benefit of the Three Affiliated Tribes are and have been managed for nearly 150 years by the United States government, acting as trustee, including the management, at present, of more than \$200 million of trust funds held for the benefit of the Three Affiliated Tribes and the management of more than 200,000 acres of trust lands and minerals underneath those lands; and
- WHEREAS,** It is well documented that the U.S. Department of Interior has grossly mismanaged the administration of trust funds and trust resources belonging to Indian tribes and individual Indians, including the Three Affiliated Tribes, as also indicated by the ongoing case *Cobell, et al., v. Babbitt*, now pending in Federal District Court for the District of Columbia on behalf of individuals holding funds in Individual Indian Money (IIM) accounts; and
- WHEREAS,** This mismanagement has severely undermined the sovereignty of the Three Affiliated Tribes and its ability to protect and promote the interests of its members because it has denied the Tribe a significant portion of the revenue it should have received for its trust land and trust funds over the years; and
- WHEREAS,** While the Department of Interior is claiming it is reforming that management, every outside expert that has reviewed the Department’s efforts has concluded that these efforts are seriously flawed and are designed to perpetuate the Department’s power over Indians rather than make the Department an accountable trustee; and
- WHEREAS,** While the United States has brought substantial moral pressure on the Swiss Banks to fairly compensate the Holocaust victims for the monies they lost as a result of dishonorable dealings by those banks, the United States has been unwilling to put forth fair and honorable proposals to compensate tribes for the monies they lost as a result of the United State’ gross mismanagement of their trust funds and resources over the past 150 years; and

WHEREAS, In light of the factors set out above, it is clear that for real trust reform to occur, and for the Federal government to agree to a fair settlement with tribes on the losses they suffered as a result of the Government's trust mismanagement over the years, litigation must be brought by several Tribes so that real discussion of fair settlement of the claims of tribes affected by the mismanagement of their resources may take place within Congress and within the Executive Branch of the U.S. Government; and

WHEREAS, Their remain very real questions about when such a suit must be brought, because of Statutes of Limitations that may deny the right to file a claim if the claim is not brought in a timely fashion, which means that a claim should be brought against the United States, if it is to be brought at all, as quickly as possible; and

WHEREAS, The law firm of Conlon, Frantz, Phelan and Pires of Washington, D.C. has submitted an offer to assist the Three Affiliated Tribes in such litigation at a cost for expenses only of \$25,000 per year for a maximum of two years, provided that 7 additional tribes also agree to be represented by the Conlon firm, which approach seems reasonable under the circumstances; and

WHEREAS, The Conlon law firm is already representing Native Americans in the *Keepseagle v. Glickman* class action lawsuit alleging discrimination by the U.S. Department of Agriculture against Native Americans, and has shown its ability to handle complex litigation of the kind contemplated herein.

NOW THEREFORE BE IT RESOLVED that the Three Affiliated Tribes, acting through its Tribal Business Council, hereby authorizes litigation to be commenced on its behalf by the Conlon, Frantz, Phelan and Pires law firm, provided that the litigation only commence, and the Tribe only submit the funds necessary for commencement of the lawsuit, upon the satisfaction of the condition that at least 7 other Tribes are also willing to commence the litigation with the Pires law firm on the same terms as the Three Affiliated Tribes; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Tribal Business Council hereby rescinds and revokes in their entirety any previously enacted resolution of the Tribal Business Council involving this subject matter which is not consistent with this resolution.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 23rd day of January, 2001; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 23rd day of January, 2001.

Marcus Welby
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council