

**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 United States of America has the responsibility of being a trustee for assets held on behalf of individual Indian persons and Tribal Nations within its borders, including the Three Affiliated Tribes, as established by the U.S. Constitution, various Treaties, including the Fort Laramie Treaty of 1851, laws, regulations, executive orders, federal policies and numerous court opinions; and
- WHEREAS,** On November 6, 2000, the President of the United States signed Executive Order 13175, which mandates consultation with affected Indian Tribes by all Executive agencies when any agency formulates or implements policies or proposes to take other actions that have a substantial effect on any Indian tribe; and
- WHEREAS,** On November 14, 2001, with virtually no consultation with affected tribal governments or their members, the U.S. Department of Interior, acting through the U.S. Department of Justice, as part of its response to the recent Motion for Receivership of the Plaintiffs in the *Cobell v. Norton* litigation pending before Judge Lamberth in the U.S. District Court for the District of Columbia, announced that it was creating a new Bureau of Indian Trust Assets Management within the Department of Interior to handle all trust management functions of the United States government for Native Americans and tribal governments, thereby radically changing how the Bureau of Indian Affairs operates with regard to its trust functions; and
- WHEREAS,** Any proposal to reorganize the manner in which trust responsibilities are to be carried to Tribal Nations raises many questions and issues that should be worked out in a comprehensive, formal consultation process between the Department of Interior and Indian tribal governments; and
- WHEREAS,** Among the many questions raised by the stated reorganization of trust responsibilities efforts are: 1) Whether such reorganization is authorized by the Courts, Congress and by Federal statutes; 2) Whether such reorganization is consistent with, or in compliance with the orders of the court in the *Cobell* litigation; 3) Whether such reorganization was

proposed with prior consultation or significant review within the Department, including consultation with those who carry out the trust responsibilities on a day-to-day basis; 4) Whether the reorganization effort will produce meaningful trust asset management reform within the Department for both individuals and Tribes; 5) What effect the reorganization effort will have on tribes that are contracting or wish to contract with the Federal government for some of the trust functions of the Department of Interior, including both tribes that are participating in a self-governance compact and those which have self-determination contracts under P.L. 93-638; and 6) Whether taking the trust management responsibilities out of the BIA and into a new Bureau of Indian Trust Assets Management will act to reduce trust responsibility of the United States to tribal governments and their members; and

WHEREAS, Tribal governments have no reason to believe that the new Bureau of Indian Trust Assets Management will operate any more effectively than the BIA in meeting the fundamental trust management responsibilities of the United States for tribes and their members; and

WHEREAS, Tribal governments have no reason to believe that the reorganization effort announced by the Secretary of Interior on November 14, 2001, will meet the need of tribes and their members for appropriate trust fund management; and

WHEREAS, The Department of Interior has responded to the orders of the court in a way which goes far beyond the matters at issue before the court in the Cobell case, which deals only with the Individual Indian Money (IIM) accounts of individuals whose trust funds are managed by the United States; and

WHEREAS, Possible mechanisms for influencing how the U.S. District Court in the *Cobell* case will react include filing an *amicus* brief with the Court prior to any decision being reached concerning the filing of the notice of reorganization by the Department of Interior on November 14, 2001, intervening, or actually filing a separate lawsuit against the United States alleging mismanagement of Tribal trust assets by the United States; and

WHEREAS, A consensus among attorneys representing Tribes is that it would be most useful to file an *amicus* brief with the *Cobell* court, requesting that the Court reject the Department of Interior's planned reorganization as being unresponsive to the Court's previous orders in the case;

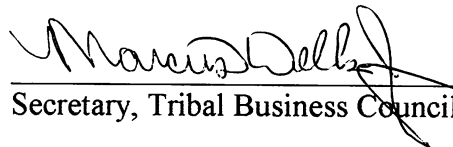
NOW, THEREFORE IT IS RESOLVED, that the Three Affiliated Tribes, acting through its duly elected Tribal Business Council, hereby authorizes its Legal Department, or other counsel previously retained by the Tribe, to file in a

timely manner an *amicus* brief with the U.S. District Court handling the *Cobell v. Norton* IIM trust litigation, expressing the Tribe's fundamental opposition to the transfer of the Department of Interior's trust obligations to a new agency within the Department of Interior.

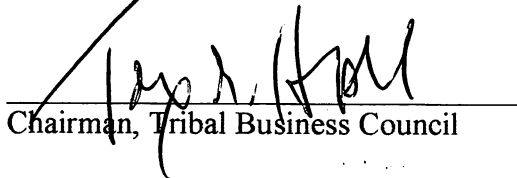
CERTIFICATION

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 _____ day of _____, 2002; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 1 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 11 day of Jan., 2002


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council