



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

A Resolution entitled, "Authorization To assist and Support the Settlement of Twenty-eight (28) money damage claims against the United States Department of Agriculture."

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 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, A class action lawsuit entitled George P. Keepseagle, et al. v. Ann Venneman, Case No. 99-03199 (EGS) was filed in November of 1999 on behalf of Native American farmers and ranchers and has is pending in the United States District Court for the District of Columbia; and

WHEREAS, The law firm of Cohen, Milstein, Hasufeld & Toll, P.L.L.C. represent the class in said case; and

WHEREAS, Also pending before the USDA, since March of 1990, a period of fourteen (14) years, are twenty-eight (28) claims for money damages filed by plaintiffs residing on the Fort Berthold Reservation as a result of the discriminatory acts of the United States Department of Agriculture which has caused the claimants to suffer irreparable harm; and

WHEREAS, All of the 28 claimants are enrolled members of the Three Affiliated Tribes and have been and are now represented by Claimants Representative Wilbur D. Wilkinson & Richard Howell with the law firm of Demarest, Smith, Giunta & Howell, P.L.L.C.; and

WHEREAS, The United States Department of Agriculture has designated these claims as "741 Claims" and has further more made specific findings of discrimination with respect to the twenty-eight claims in 1992 and 1999 in favor of the claimants; and

WHEREAS, The twenty-eight claimants, which are presently within the class of members of the Keepseagle case, have moved to opt-out of the Keepseagle class action lawsuit so that they may resolve their claims through the United States Department of Agriculture administrative process; and

WHEREAS, The Tribal Business Council believes that the twenty-eight claimants should have the right to elect their choice of forum to have their claims heard and desire to request that the United States Department of Justice and all other interested parties to the Keepseagle class action lawsuit respect these claimants' right to a choice of forum and refrain from opposing their motion to opt out of the



Keepseagle case so that they may pursue their cases through the USDA's administrative process; and

WHEREAS, The Tribal Business Council desires to provide legal assistance by way of financial assistance to the representatives of all the claimants residing on the Fort Berthold Reservation.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council hereby requests that the United States Department of Justice and all other interested parties to the Keepseagle class action lawsuit respect these claimants' right to a choice of forum and refrain from opposing their motion to opt out of the Keepseagle case so that they may pursue their cases through the USDA's administrative process.

BE IT FURTHER RESOLVED, That the Tribal Council hereby appropriates up to \$100,000.00 towards the efforts of the twenty-eight claimants and the other claimants on the Fort Berthold Reservation that are members of the Keepseagle class. Said funds are to be split so that up to \$50,000.00 is to be utilized for the Claimants on-Reservation Representative Wilbur D. Wilkinson and up to \$50,000.00 to be utilized for the Class on-Reservation Representative Clarissa Mandan whom shall work through the Tribe's Legal Department on the condition that these representatives or the respective plaintiffs agree that these monies be reimbursed to the Tribes if the Plaintiffs are successful in their respective suits. Any expenditure of these funds for these representatives must be pre-approved by the Tribes' Chairman and Treasurer.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 24 day of January, 2005, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [] Not Voting.

Dated this 24 day of January, 2005.

Tribal Secretary, Nathan Hale
Tribal Business Council
Three Affiliated Tribes

ATTEST:

Tribal Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes