



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

*A Resolution Entitled: "An Act of the Tribal Business Council Making it Unlawful for Individuals to Picket or Otherwise Disturb A Funeral on the Fort Berthold Reservation."*

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

**WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes 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,** Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

**WHEREAS,** Article VI, Section 5 (j) of the Constitution of the Three Affiliated Tribes provides the Tribal Business Council has the power to cultivate and preserve the culture, ceremonies and traditions of the Tribes; and

**WHEREAS,** The Tribal Business Council finds that the Tribe and its members and the people of the Fort Berthold Reservation have a substantial interest in the peaceable organization and attending funerals for deceased relatives; and

**WHEREAS,** The Tribal Business Council also finds that picketing of funerals in any manner causes severe emotional distress to grieving families, relatives and friends of the deceased; and

**WHEREAS,** The Tribal Business Council further finds that the interests of families, relatives and friends in privately and peacefully mourning the loss of the deceased is violated when funerals are targeted for picketing and other public demonstrations; and

**WHEREAS,** The Tribal Business Council desires to protect the privacy of funerals and the traditions and ceremonies of the Tribe and its members by making it unlawful for any individual to picket a funeral or otherwise intentionally disturb the peaceful organization and attendance of funerals and funeral-related functions such as wakes on the Fort Berthold Reservation.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby amends Title II, Part VI of the Criminal Code of the Three Affiliated Tribe of the Fort Berthold Reservation by adding the provisions below as "Article 3" to "Part VI" of the "Criminal Code" entitled "Offenses Against Public Decency":



**Article 3. Funeral Picketing; Penalty; other Relief**

**Section 630.1 Definitions.**

As used in this Article:

1. "Funeral" means the wake, ceremonies, rituals, processions, and memorial services held in connection with the burial, cremation, memorial, of a deceased person, including the assembly and dispersal of the mourners.
2. "Picketing" means protest activities engaged in by a person or persons on the Fort Berthold Reservation during the day of a funeral that is reasonably calculated to inflict emotional distress on the mourners.
3. "Mourner(s)" means a member(s) of the decedent's immediate family at the funeral.

**Section 630.2 Unlawful to Picket.**

It is unlawful for any person to engage or attempt to engage in picketing on the Fort Berthold Reservation during the day before or the day of a funeral.

**Section 630.1 Penalty.**

1. A violation of Section 630.2 is a Class I Misdemeanor pursuant to Section 110.4 for Tribal members or any Indian.
2. Any non-Indians violating Section 630.2 shall be immediately excluded from the Fort Berthold Reservation and shall remain excluded until the day proceeding a funeral. Law Enforcement shall obtain the identity of any person violating Section 630.2 and the person's address for purposes of subsection (3) below.
3. Each mourner shall be entitled to recover reasonable damages, but not less than one thousand dollars, together with reasonable attorney fees and costs from each person who violates subsection 630.2 of this Article.
  - A. The court shall impose joint and several liability on any person who:
    - (1) Violates Section 630.2 of this Article by acting in concert with one or more other persons; and
    - (2) Consciously conspires with one or more other persons and deliberately pursues a common plan or design to commit a violation of Section 630.2 of this Article.

**BE IT FINALLY RESOLVED**, that these Amendments shall take effect immediately and the Criminal Code shall be amended accordingly.




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 13<sup>th</sup> of December 2006; 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.

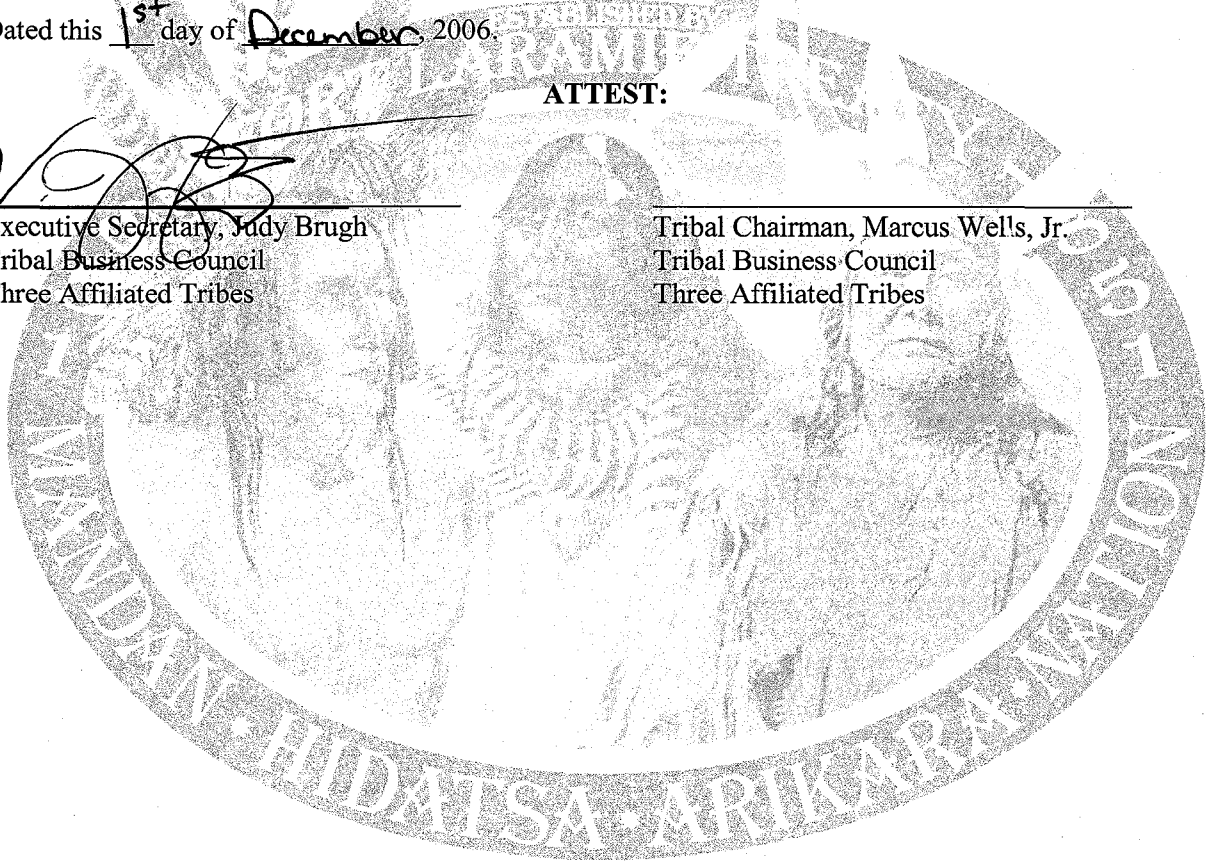
Chairman  Voting. [ ] Not voting.

Dated this 13<sup>th</sup> day of December, 2006.

ATTEST:

  
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Executive Secretary, Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

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Tribal Chairman, Marcus Wells, Jr.  
Tribal Business Council  
Three Affiliated Tribes






CERTIFICATION

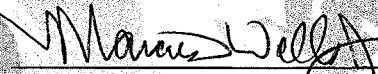
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the December 1<sup>st</sup> 2006; 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 1<sup>st</sup> day of December, 2006.

ATTEST:

  
Executive Secretary, Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Marcus Wells, Jr.  
Tribal Business Council  
Three Affiliated Tribes

