



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

A Resolution Entitled: *“Three Affiliated Tribes Tribal Business Council Petition to the Secretary of Interior or Authorized Representative Pursuant to Article X Amendments of the Three Affiliated Tribes Constitution and By-laws and 25 CFR Part 81 To Call a Secretarial Election on a Proposed Amendment to Article II, Section 1(b) of the Constitution of the Three Affiliated Tribes”.*

**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 (1) 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,** The Constitution and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15<sup>th</sup>, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; and

**WHEREAS,** Article X- Amendments of the Constitution provides that the Constitution and By-laws may be amended by a majority vote of the qualified voters of the Tribes voting at an election called for that purpose by the Secretary of Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; and

**WHEREAS,** Article X further provides that it shall be the duty of the Secretary of Interior to call an election on any proposed amendment to the Constitution when requested by a two-thirds (2/3) vote of the Tribal Business Council; and





- WHEREAS**, 25 CFR Part 81 provides federal regulations for petitioning the Secretary of Interior to call secretarial elections to amend tribal constitutions; and
- WHEREAS**, Article II-Membership of the Tribal Constitution establishes criteria for membership into the Three Affiliated Tribes; and
- WHEREAS**, Article II, Section 1 (c) of the Constitution which was adopted in 1975 as an amendment to the Constitution provides that *all persons of at least ¼ degree Indian blood of a federally recognized tribe, provided at least 1/8 Indian blood be of Gros Ventre, Mandan and/or Arikara Tribes*, shall be eligible for membership into the Three Affiliated Tribes; and;
- WHEREAS**, prior to December 12, 1975, the constitutional criteria for membership into the Tribes under Article II of the original 1936 Constitution,, did not contain any minimum blood degree requirement, instead membership criteria was based on the official census rolls of the Three Tribes and lineal descent in that any child born to a member of the Tribe who was a resident of the reservation at the time of the birth of the child was eligible for membership into the Tribes, and
- WHEREAS**, however the membership requirements of the original 1936 Constitution under Article II were amended in 1975 and a one quarter (1/4) blood degree requirement was adopted and lineal descendency was thereby effectively eliminated from the membership criteria of Article II; and
- WHEREAS**, Article II, Section 1 (b) of the Constitution provides that persons born after the effective date of the amendment (December 22, 1975) to any member of the Tribes who was a resident of the Reservation at the time of the birth of said person, is eligible for membership into the Tribe; and
- WHEREAS**, very few individuals qualify for enrollment under Section 1 (b) because of the limitation placed upon this subsection through the effective date of the amendment; and
- WHEREAS**, On October 16<sup>th</sup> 2007, the Tribal Business Council adopted Resolution 07-190 VJB which requested a secretarial election on a proposed amendment to Article II, Section 1 which would have adopted a 1/8<sup>th</sup> Mandan Hidatsa and Arikara blood degree requirement if approved in accordance with Article X; and
- WHEREAS**, The Tribal Business Council has decided to propose an alternative amendment to Article II, Section 1 which would base membership into the Tribe on lineal descent rather than a blood degree requirement if adopted in accordance with Article X and the Tribal Business Council will therefore rescind Resolution 07-190 and adopt an alternative proposed amendment to Article II, Section 1; and





**WHEREAS,** The Tribal Business Council believes that in order to preserve the heritage of the Three Tribes and expand the enrollment opportunities for individuals who are of Mandan, Hidatsa and/or Arikara blood, Article II, of the Constitution regarding membership into the Tribes should be amended by a vote of the people according to the terms of Article X, by amending Article II, Section 1 (b) of the Constitution

**NOW, THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes pursuant to Article X of the Constitution and 25 CFR Part 81 hereby petitions the Secretary of Interior or his authorized representative to call a secretarial election on the following proposed amendment to Article II, Section 1 (b) of the Constitution of the Three Affiliated Tribes:

Article II, Section 1 (b) shall be amended by striking the following language from Section 1 (b) in its entirety:

*born after the effective date of this amendment... and the language who was a resident of the reservation at the time of birth of said person...*

**BE IT FURTHER RESOLVED,** that if approved by a secretarial election called by the Secretary of Interior or his authorized representative by a majority vote of the qualified voters with at least thirty percent of those entitled to vote voting in such election the new Article II, section 1 (b) shall read as follows:

(b) Any person born to any member of the Tribes.

**BE IT FINALLY RESOLVED,** that Resolution 07-190 VJB is hereby rescinded and of no further force or effect.

**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth 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 16<sup>th</sup> day of November 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 2 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

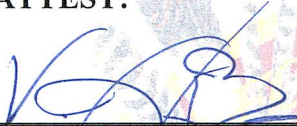
Chairman [  ] voting. [  ] not voting.

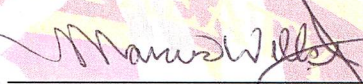




Dated this 6<sup>th</sup> day of November 2007.

**ATTEST:**

  
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Tribal Secretary, V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

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

