

SPECIAL MEETING

Name of Organization: Tribal Business Council  
Three Affiliated Tribes

Place of Meeting : United Tribes Center  
Bismarck, ND  
September 17, 1978

Present : Rose Crow Flies High - Chairperson; Ron Little Owl - Vice-Chrm.;  
Roy Bird Bear - Treasurer; Hazel Blake - Secretary;  
Theodore Bird Bear, Wayne Packineau, Thomas Eagle, Jr.

Absent : Eva Beaks, Larry Rush, John Stone, Sr., Austin Gillette.

Others : Charles Hobbs - Wilkinson, Crgaun & Barker Firm, Washington, DC;  
Ronald Reichert - Tribal Attorney; Arnie Guimont - 701 Planner;  
Hugh Baker - Task Force; Inez Bird Bear, Charles Blake,  
Jackie Helbing - Secretary to the United Tribes.

Meeting came to order at 3:50 PM.

Roll call - Quorum present.

Opening prayer given by Theodore Bird Bear.

Chairperson turns the floor over to Mr. Hobbs. Mr. Hobbs explains in 1930, our first case in Court of Claims asked for interest on the judgement, at that time, but the court did not say anything about interest. If the court was to allow this, it might have been about 13,000,000 dollars, at least the highest figure, but at that time, the court did not allow interest and the matter was dropped. Later in 1951, Tribe filed a claim under Indian Claims Commission Act. One of those claims was this same interest claim. The law has developed in such a way that we now see that interest should have been allowed in that judgement.

Then the next thing that happened was that the Sioux Nation, which had a similar claim, arising from the taking of the Black Hills, the Court of Claims told the Sioux Nation that SaRae Res. judicato applies your old case which denied you interest is an end to the matter, therefore we cannot consider the matter further. The Sioux did something nobody else did, they went on to Congress. After three years of arguing with Congress, Congress finally said, "Alright, you may go to the Court of Claims and present your claim on the interest and they're going to do that. That Bill was passed this year. So, the Fort Berthold could follow suit and we came out here to ask you if you want us to persue this claim for you.

All you have to do is amend the existing set of contracts and add one more contract fir the interest claim for five years and if we don't finish it within that time, then we can renew it for 2 years. It provides for 10% fee if we are successful.

Wayne moved that this contract be approved so that the Wilkinson, Cragun & Barker Firm can persue this case immediately. Second by Sam.

VOTE: Sam, Tom, Roy, Theodore, Wayne, Hazel, Rose - YES. Seven in favor, none opposed, Chrp. voting, motion carried. This is Resolution No. 78-173.

Sam moved for approval for the \$2,500.00 fee for expenses on the contract.

Second by Tom.

VOTE: Sam, Tom, Roy, Theodore, Wayne, Hazel, Rose - YES. Seven in favor, none opposed, Chrp. voting, motion carried. This is Resolution No. 78-174.

Congress is merely opening the doors to Court of Claims on this matter and he stated he might need some delegates from the Council. This was discussed at length. A recommendation of probably five people.

Wayne moved that Sam and Theodore go with three other positions open. Second by Tom.

VOTE: Tom, Roy, Wayne, Hazel, Rose - YES. Sam, Theodore - ABSTAIN. Five in favor, none opposed, two abstentions, Chrp. voting, motion carried.

The extension of Docket 350 - G - contract was presented. Sam moved to approve the two year extension on this accounting claim. Second by Hazel.

VOTE: Sam, Tom, Roy, Theodore, Wayne, Hazel, Rose - YES. Seven in favor, none opposed, Chrp. voting, motion carried. This is Resolution No. 78-175.

A resolution for payment of outstanding vouchers for Wilkinson, Cragun & Barker Law Firm was presented.

Tom moved for approval. Second by Hazel.

VOTE: Sam, Tom, Roy, Theodore, Wayne, Hazel, Rose - YES. Seven in favor, none opposed, Chrp. voting, motion carried. This is Resolution No. 78-176.

There was discussion of the status of the oil and gas tax. Mr. Hobbs reported that the State was still thinking about the matter, and was probably going to come out shortly with a decision that it did not have the authority to share its tax collections with the Tribes. Mr. Hobbs advised the Tribes that when that occurs, the Tribes should receive expert advice (perhaps from NANDRF) as to whether an additional 5% tribal tax would unduly discourage the oil companies from drilling exploratory wells. If the advice is that it would not, then the Tribes should impose its 5% tax and proceed to collect it on those wells that are now producing on tribal land. No decision was recommended or made at this time.

Discussion of sales tax. Mr. Hobbs reported that the State would like to have the Tribes' support for the State to collect a full sales tax on all sales on the reservation, both to Indians and to non-Indians. The State would rebate to the Tribes part of the sales tax, based on relative populations of white and Indian on the reservation. For the State to do this would require legislation, but the State is not going to consider approving such legislation unless the Fort Berthold Tribes at least, if not other tribes as well, support it. In view of the controversial nature of this matter and pending elections, no decision was recommended or made.

The Business Council asked Wilkinson, Cragun & Barker to give an opinion on the Zepher letter of June 28, 1978, regarding the power of the Business Council to approve cooperations. The letter says the Council does not have this power. It is noted that the Four Bears (Fort Berthold Development Corporation) was created by the Business Council. There is an October 7, deadline on this.

Sam moved for adjournment. Second by Wayne.

Meeting adjourned.

  
SECRETARY, TRIBAL BUSINESS COUNCIL