

SPECIAL MEETING

Name of Organization: Tribal Business Council
Three Affiliated Tribes

Place of Meeting : Wilkinson, Cragun & Barker
Law Offices
1735 New York Avenue, N.W.
Washington, D.C.
September 25, 1979

Present : Austin Gillette, Chairman; August Little Soldier,
Vice-Chairman; Tillie Walker, Secretary; Louis Felix,
Theo Bird Bear, Roy Bird Bear, Willard Yellow Bird.

Absent : Thomas Eagle, Treasurer; Eva Beaks, Marie Wells, Ron Little Owl.

Others : Charles Hobbs, Sue Berghoff, Mr. McKenna, Wilkinson, Cragun
and Barker.

Meeting was called to order at 11:30 am.
Roll call; Quorum present.

EDUCATIONAL RADIO STATION

Charles Hobbs introduced his colleagues, Ms. Berghoff and Mr. McKenna, who are working on the communications grant. He explained the Tribe must hire an engineer, business consultant, and legal assistance for the project. The second round of grants will be considered in early January, 1980, for construction of the station at about \$120,000 with 25% from other sources.

The Secretary read resolution authorizing the Fort Berthold Communications Enterprise to enter into contracts.

Little Soldier moved to authorize the Fort Berthold Communications Enterprise to enter into separate contracts with tribal attorneys, engineering firm, and business consulting firm; second by Yellow Bird. Vote: Seven (7) in favor, Chair voting, motion carried.
Resolution #79-346.

CONDEMNATION

The Chairman reported on the Solicitor's opinion that Tribes do not have power to condemn land and will affect Tribes throughout the country. He pointed out that the Constitution of the Three Affiliated Tribes gives condemnation to the Tribe. In 1973, the Tribes' Law and Order Code added condemnation of land, and the Department of the Interior accepted this Tribal law then.

Charles Hobbs said the Indian Civil Rights Act, 25 USC Sec. 1301 and Section 1302 Subparagraph 5 states that no Indian Tribe shall take private property without just compensation. He said this matter is a serious legal question and the opinion must be reviewed carefully.

CONDEMNATION Cont.

The Chairman suggested that the Solicitor's opinion be researched and that Charles Hobbs give the Tribe an option. He stated that action to condemn Pete Frederick's land was not done as a vindictive act but in good faith to provide access to the Smith and Mossett families who must cross his land. The Bureau of Indian Affairs received the Tribe's resolution for BIA condemnation in May, but took no action on condemnation of Pete Frederick's land although they had the authority. When the Tribal Council met with Aberdeen Area Office staff concerning the problem of access, Solicitor Dunker responded that it would be impossible to get action in Washington, D.C. because Pete Frederick's brother was the Solicitor. The Chairman stated that although easements were signed by original landowners, and since then Pete Fredericks had purchased the land concerned. The Bureau of Indian Affairs informed the Tribe that a centerline survey had not been done, therefore, they could not build a road. The problem was originally created by the building of the Garrison Dam in the early 1950's, and it was then the responsibility of the Corp of Engineers and Bureau of Indian Affairs to make certain each family moved had access to their homes.

Break for lunch.

Little Soldier moved to authorize Wilkinson, Cragun and Barker to research the Solicitor Krulitz opinion that Tribes do not have power to condemn allotted lands and to file in federal court on the principal that the Tribe had the power to condemn as stated in the Constitution and Bylaws; second by Yellow Bird. Vote: Seven (7) in favor, Chair voting, motion carried.

ACCOUNTING CLAIM

The Secretary read resolution authorizing the employment of a mineral expert. Mr. Hobbs reported on the 350-G Accounting claim. He requested approval for hiring Roy S. Full Associates of Salt Lake City. He is a mineral expert and will work on the coal claim. \$40,000 is the fixed amount needed and \$12,000 will be for expenses. In 1910, there were fourteen townships on the Reservation opened for homesteads with acreage of 350,000. The Tribe retained half of the coal in the area.

Yellow Bird moved to authorize the hiring of mineral expert Roy S. Full at \$52,000; second by Little Soldier. Vote: Seven (7) in favor, Chair voting, motion carried. Resolution #79-347.

The Secretary read resolution to add \$12,000 for fiscal expert. Mr. Hobbs said the major areas covered in 350-G Accounting claim are (1 Coal; (2 grazing and (3 fiscal. Each is mismanagement claim. Langam is the CPA used for the fiscal portion of the Claim, and there is an overrun of \$12,000 to complete the job. The Attorneys are as follows: Grazing experts Whitman and Qumial, \$25,000, and Neil Thomas, \$50,000; historian Michael Foley, \$45,000; Wilkinson, Cragun & Barker, \$20,000; Roy S. Full, mineral expert, \$52,000; and CPA Langam, \$62,000.

CLAIMS Cont.

The experts will testify for a week or two in January, 1981 and again in March, 1981.

Walker moved to authorize addition of \$12,000 for the CPA Contract on Accounting claim; second by Little Soldier. Vote: Seven (7) in favor, Chair voting, motion carried. Resolution #79-348.

OFFSETS

The Secretary read resolution concerning offsets after 1946. The Indian Claims cases are being turned over to the U.S. Claims Commission.

Little Soldier moved to oppose allowance in Indian claims of gratuitous offsets incurred after August, 1946; second by Yellow Bird. Vote: Seven (7) in favor, Chair voting, motion carried. Resolution #79-349.

SOLICITOR POSITION

The Secretary read resolution concerning the Solicitor position.

Walker moved to approve urging the Secretary of the Interior to select another well qualified Indian attorney as Associate Solicitor for Indian Affairs; second by Little Soldier. Vote: Seven (7) in favor, Chair voting, motion carried. Resolution #79-350.


ATTORNEY CONTRACT

Charles Hobbs reported that the attorney contract includes routine D.C. service with Congress, Courts, Interior Department, appearance at hearings. The cost is about \$10,000 and the Tribe is billed on hourly basis. Travel time is charged, and he should make four trips a year to the Reservation. There is a 10-15% discount on hourly rates.

GARRISON DAM FOLLOW-UP

There was brief discussion concerning follow up on the reacquisition of land surrounding the Garrison Reservoir and other dams on the Missouri River. The Chairman said he would contact the Chairman of each of the six reservations affected by similar dams, and would set a meeting. The tribes can meet in Washington, D.C. to discuss this further and come to some agreement on how to proceed.

ADJOURNMENT Meeting adjourned at 2:00 pm.


SECRETARY, Tribal Business Council

APPROVED: November 21, 1979