

THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
TRIBAL CHAMBERS

Judicial Meeting
May 21, 1991

- PRESENT: Wilbur D. Wilkinson, Chairman; Titus Hall, Vice Chairman; Roger Bird Bear, Treasurer and LaVerne Brady, Recording Secretary.
- ABSENT: John J. Rabbithead, Jr., Secretary; Austin Gillette Councilmember, Theodore Lone Fight, III., Councilmember and Jim Mossett, Councilmember.
- OTHERS: Homer White Buffalo, Special Investigator, Gerald Tex Fox, Special Investigator; Anthony Hale, Jr., Tribal Chief Judge; Jim Johnson, Juvenile Officer; Bernadine Yellow Wolf, Social Worker; John Danks, Merval Hall, Luther Grinnell, Juvenile Officer; Darice Clark, Social Worker; Maynard Young Bear, Deputy Clerk of Court; Orville Mandan, Counselor and Cindy Packineau, Assistant of CEO.

ITEM 01: CALL TO ORDER:
Meeting called to order at 1:30 PM.

ITEM 02: SATANIC ISSUES:
Homer stated that up until 1989, we went ot a seminar and we found a whole bunch of symbols that we weren't aware of before. The reasons could be to attract attention, get the attention of their parents or the community or if they done something wrong, they have an attitude like "the devil made me do it". There is a lot of people involved that are trying to put a stop to this.

Tex showed photos of graphic details to the Council present.

Chairman Wilkinson stated so the solution may be to deal with the teachers and not with the child. How would we solve the problem if the child is not dealt with.

Homer stated the law enforcement, social workers, psychologists deal with the children who are definitely involved, who are identified as having a problem but we won't go out and talk to a bunch of children because someone that isn't even interested we might get them to start playing around with it.

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SATANIC ISSUES (CON'T):

Chairman Wilkinson questioned how does the child know this is wrong?

Tex stated law enforcement only gets involved only when criminal acts are done.

Chairman Wilkinson stated satanism is recognized as a problem and defined, Is this true or not?

Homer stated what we are afraid of is that acts may carry out too far where someone may get hurt. There really is no law against satanism.

Chairman Wilkinson questioned the Mental Health Staff. Do you recognize or identify it as a problem

Orville Mandan responded according to statistics, there was no supervision by adults like one to one between parent and child. For example, because of this, children think that the parents do not care about them and so they hang around with the children whom they think care about them.

Chairman Wilkinson questioned how many contacts on Fort Berthold?

Orville did not have the statistics available.

Darice stated about 80% are dabbling. We don't take these identified children into treatment for satanism but other disorders.

Homer stated there's a lot of activity done during Halloween, Christmas and the months of April & May. There are psychiatrists from Minot who could come down and give some training focusing on children in the communities.

Chairman Wilkinson stated we just wanted a follow up report and to see if it was identified as a major problem. We wanted to hear from the people who actually work with it and to see what we could do about it.

Merval stated we talked to a principal a year ago. If everyone could see what goes on in this devil worshipping, you wouldn't believe it.

SATANIC ISSUES (CON'T):

Homer stated what's happening on this reservation isn't organized regarding dabbling. There's no high priests or anything of such. Children may start in on it but may just drop out. We're having problems with only about two dozen people from New Town & Mandaree, abit in White Shield but none in Twin Buttes.

Jim stated there's a group and they call themselves the poisonous rats that he had to deal with but couldn't prove them of sacrificing animals & etc., only on malicious mischief. There's been a lot of \$'s spent on treatment for them.

Bernadine stated most children that come from dysfunctional families tend to be suicidal. It's really scary because the children are going to be our future leaders so we better do something now to help them. On this reservation, there's no youth program

Homer stated one of the reasons is the children don't have the power to vote. They don't have any money and everything after 8PM is geared towards adult activities and nothing for children at all.

Luther stated there was a workshop held at Mandaree titled "community wellness including mental health" Topics included Lack of Network between Agencies, Lack of services between Agencies and Programs, Reactive coping crisis, Lack of Prevention Program, Lack of Emotional Support, Racism, Loss of Identity Unemployment, Alcohol, Lack of Local Community Education, Lack of Parental skills, Healing Therapy/Spiritual Negative's VS Positive and etc. A long list touched on was read by Mr. Grinnell and he stated he wrote down some questions that he shared with the Tribal Business Council. What kind of organization should we name this? Should we deal with it through the community committees? Answers possibility could include more religious activities Love of children and neighbors, mental health for the community and etc. He handed out an article he wrote called "survival VS satanism".

Chairman Wilkinson stated he felt all the Councilmen should hear about this issue and determine how they should proceed on this.

SATANIC ISSUES (CON'T):

Orville stated a workshop is going to be presented on codependency issues on the third week in July.

ITEM 03: FORT BERTHOLD LAND AND LIVESTOCK ISSUES:
John Danks spoke on the issue of land and livestock. He stated that this association deals with the Indian Credit Corporation and Intertribal Appellate Court.

He explained the situation of 1976. A strong storm killed a lot of livestock in ND. There was some available money through EDA so a number of the plains reservation got together and applied for a grant of about \$3,000.00 and it was to supplement the cattle ranchers for livestock lost in that storm.

The organization got off the ground and was known as the National Cattleman's Association. A grant was received of three million. They contracted with the Indian Bank to handle this account and made loans to individual Indian cattle operators to replace the livestock lost. No loans could exceed \$20,000.00 with an interest rate of 3%.

This organization later included SD tribes who experienced a similar storm the next year. In 1977, an additional grant in the amount of 252.6 million was given. Loans were issued down at that area with the extra carryover monies. The organization made large operating loans and charged 3%.

After 3-4 years, it was concluded that the Indian Bank was costing the organization too much money so the organization moved to Denver. The Bank came to the Indian operators and stated they need more money so they asked if they could raise the interest. The operators agreed and renewed their note so they raised their rate up to 12%. The organization reorganized and called themselves the American Indian Agriculture Consortium.

In 1982, it was learned that they had begun to cancel those loans as a lot of the operators has no collateral. As time went on, they continued to collect from a few while cancelling many of the large loans.

LAND AND LIVESTOCK ASSN' (CON'):

John stated I attended the last annual meeting in Rapid City SD and to date, they have cancelled six million. Yet on Fort Berthold, there is a list of people, they are attempting to sue and to continue to collect from. Had they allowed their note to remain at 3%, they would have paid their loan in full by 1983.

Chairman Wilkinson questioned if John had information on the 6 million cancellation. John stated he could not get the names because of the privacy act but he does have the financial statements and they have \$250,000.00 loans receivable out. \$180,000.00 are from Fort Berthold and the Three Affiliated Tribes owes them one more installment.

In 1981, they loaned out all all the tribes money. This is one of the tribes current in their payment but none of the sioux tribes are paying them back. Their argument is that this money is theirs and this organization isn't functional.

Four of us went to court with them in Tribal Court and the Indian Credit Consortium never applied for a license to do business on the Fort Berthold Reservation. The interest rate was above the usuary loan report of Fort Berthold. Judge Beyer ruled in our favor. The issue was appealed to the Tribal Appellate Court. We went to that court and this Court ruled that organization should use the laws of the District of Columbia since it's organized there and they remanded it back to Tribal Court to repropose or reactivate.

The Appellate Court ruled that there was a resolution adopted in 1975. The Appellate Court construed it as a traitor's license and therefore, met the requirement. There's nowhere in the resolution that waived the law and order code. The resolution said it supported the request for the EDA.

I contacted each of the Councilmen who enacted this resolution and I secured an affidavit from each of them verifying that that was their intent. I also contacted the councilmen that were on in 1974, who defined the I T License and they signed an affidavit of what their intent was. I believe the Appellate Court in Aberdeen has attempted to extend the interpretation of a Tribal Resolution.

LAND AND LIVESTOCK (CON'T):

I researched the organization of Fort Berthold's Appellate Court. I had heard that we reorganized an Appellate Court in 1989. I went to a public meeting at the Civic Center in New Town. At this meeting Mr. Beyer and Mr. Hale advised me that the tribe had organized the new Appellate Court. They were quite pleased with it.

I asked them one question. Will this Appellate Court when it deals with one of our cases, will it have to use our code? They said, yes. In researching this Court further, I learned by that it was an organized chartered corporation by this tribe. It's membership and it's chairman is Edward Lone Fight. Their charter provides that a tribal representative does not serve or is no longer available, that tribe has 30 days to replace him. If the Tribe fails to do that, then the corporation itself can appoint a new board member. So it's possible, that there is a different board member.

Chairman Wilkinson questioned are you saying that this intertribal court of appeals is owned and operated by Mr. Lone Fight?

Mr. Danks responded by saying this organization is operating the contract. It receives funds from 93-638 from Aberdeen Area Office. The members are from Sisseton, Belcourt and other reservations. The term of these offices is six years.

Councilman Gillette stated the resolution required monies to be requested from AAO and required licenses.

John replied and this organization doesn't have that.

Chairman Wilkinson questioned what relief are you seeking?

John replied 2 things: I believe the Tribal Business Council needs to take an active part in looking to see what ICC is doing. When I further looked at ICC and it's new corporation papers, if that organization discontinued and has money left over, it can designate those funds to go to whomever they want. The corporation today, if you follow their financial report, are broke. They have a negative

LAND AND LIVESTOCK (CON'T):
networth but they are negotiating with the BIA for a million dollar loan. Should they get that written down, there could be some residue there. It's my observation, I believe, our reservation should get on top of it. If there's going to be some residue funds derived from this defunct organization, those funds should revert back to the tribe who applied for that grant in the first place. I expressed this at the Board of Director's Meeting in Rapid City. Some members were most displeased in my comment but there were members that thought that was a good idea.

Councilman Gillette stated that anybody doing business on this reservatin is required to have a traitor's license.

Chairman Wilkinson stated please state it very clearly, Mr. Danks, what relief do you want?

John replied we want them to recognize or receive, I want the current Business Council to receive these affadavits, transmit them to their Tribal Court and since these resolutions have not been amended or rescinded, those statements by these previous Councilmen should lay on record as the intent of the legislative in this instance.

Councilman Gillette made a motion to direct those documents signed by former Councilmembers that was the intent of the resolution that was established.

Discussion: Councilman Hall questioned the loan default. When the interest was up, why did you sign it? ICC had to have some remedy. If we don't like the decision, then we're messing around with our judicial system.

Motion seconded by Councilman Hall.

Vote: 3 for, 1 opposed. Motion Carried.

Discussion: This started out with three million then an increase of two. Six million and then 1/2 million. Total is 6.2 million. They cancelled out six million to other Indians but not from here. The majority down in Sioux country.

LAND AND LIVESTOCK (CON'T):

Chairman Wilkinson stated Cindy Packineau is to follow up and transmit to the Tribal Court, the affidavits with resolution. Mr. Danks, please give Ms. Packineau a copy of the documents.

Judge Hale stated at that time when ICC was going to appeals court, there was a request for an amicus from the Tribe but was never produced from the legal department. I think if this was produced before ICC went to Intertribal Court, then maybe there would have been a possibility of a different ruling, but the three judges that sat over there made a ruling without an amicus.

John Danks stated also I want this Council to be aware that last August, here's a list of people that this organization in ND saying that it had a mortgage on our cattle and that we could not sell it. They'd have to make that payment payable to them, however, the corporation never organized the given shares, they are suppose to register it with the Secretary of State, provide a board, provide financial reports quarterly and annually. ICC has never complied with any of those organization's so it cannot participate in the ND commercial code in the recovery of those items because it has never organized legally to do business. It not only failed to organize with the tribe. It has not organized properly.

Judge Hale stated one thing I want to clarify for the Appellate Court, the board is the one that contracts. They have a separate board down there that is contracting and operating the program at the Northern Plains Intertribal Court of Appeals. There is a resolution out. The Three Affiliated Tribes agreed to be a part of the program and the board that established down there is the one that's contracting and handling the administrative affairs

ITEM 04: TRIBAL COURT:

Councilman Hall stated I was at that ICA meeting last week. At that time, Judge Hale came up with an idea, something we don't have now but it's a mechanism that will put our Social Services, Alcoholism and our Job Service to work. It will make them follow up on the clients. Alcoholism is just like an employment place. We spent all kinds of money on treatment. They don't want to help that

TRIBAL COURT (CON'T):
person on the street. As for Social Services, there is no place where they can get all their information so we discussed a probation board on Fort Berthold.

Judge Hale stated that was one of the issues on the Mclean Bill. One of the positions of the Tribal Court on Fort Berthold we have is a Probation Board and that program was never utilized. The responsibility that the Parole Board does is handled by a Judge. The programs on the reservation don't have anybody to go to. A Probation Officer or Bailiff assigned to monitor certain conditions or whatever the Judge issues. The follow up at a Court system is really poor. The responsibility falls back on Tribal Court, but if we establish this Board and a Probation Officer, our programs could be monitored a lot better. I think we will start with a reporting system.

Chairman Wilkinson questioned how many people will be involved?

Councilman Hall stated the Judge would issue the sentence with certain conditions/restrictions and then the programs have to keep a file on this person and follow up. It could be 3, 4, or 5 people or one from each segment. The person who is sentenced to jail could write to the Probations Officer and you could set the restrictions because the jails are too filled up and take the pressure off the Judge. They won't just go out on probation. They have to follow the certain conditions being monitored by Social Services/Alcoholism.

Chairman Wilkinson questioned is it the Judicial Committee's recommendation that we prepare a resolution appointing a parole board for presentation at the Council meeting. Tony is to work on the internal part.

Councilman Hall made a motion, seconded by Councilman Gillette suggested we develop the whole program before presenting it to the Council.

Discussion on budget/unbanded monies. Judge Hale was advised to attach a budget in his proposal. It was suggested that if the Council could sit on the board because it's really needed.

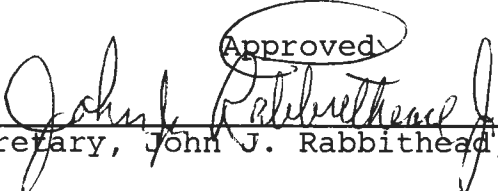
TRIBAL COURT (CON'T):
Vote: 3 for, 0 opposed. Motion Carried.

ITEM 06: EXTRADITION:
Maynard Young Bear, Deputy Clerk of Court brought
in information on extradition of a non-enrolled
member for prosecution.

Councilman Gillette made a motion to remove this
person to Ward County immediately, seconded by
Councilman Hall.

Vote: 3 for, 0 opposed. Motion Carried.

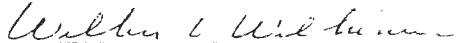
ITEM 07: ADJOURNMENT:
Meeting adjourned at 3:35 PM.

Approved

Secretary, John J. Rabbithead, Jr.

Disapproved

5/28/91
Date

ATTEST:


Chairman, Wilbur D. Wilkinson

5/28/91
Date