

THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
TRIBAL CHAMBERS

Special Council Meeting
April 3, 1992

PRESENT: Wilbur D. Wilkinson, Chairman; Titus Hall, Vice-Chairman; John J. Rabbithead, Jr., Secretary; Roger Bird Bear, Treasurer; Austin Gillette, Councilmember; James Mossett, Councilmember; Ted Lone Fight, III, Councilmember; Linda Little Soldier, Recording Secretary.

ABSENT: None

OTHERS: Diane Cohen, Attorney with Fredericks, Pelcyger, Hester and White; Urban Bear Don't Walk, Tribal Attorney; Terrance Walters, Supt, Ft. Berthold; Solly Danks; Gerald White, former board member of AIACC & ICC; John Danks, Sr; John Danks, Jr.; Kenneth Danks; James Danks; Ty Hall; Elgin Crows Breast, Staff Assistant; Keith Bear; Delvin Foote; Maurice Danks; Christen Rhod, Denmark.

ITEM 01: CALL TO ORDER:
The meeting was called to order at 9:12 AM.

ITEM 02: ROLL CALL:
Roll called by Secretary Rabbithead.
Quorum established.

ITEM 03: RESOLUTION/FORT BERTHOLD RANCHERS VS AMERICAN
INDIAN AGRICULTURAL CREDIT CONSORTIUM: #028-JJR.

Chairman Wilkinson stated the topic of the meeting was a resolution submitted by the Danks' family to be considered. Secretary Rabbithead read the resolution.

Gerald White was called to the table for his comments on the Resolution. Mr. White commented that since the company doesn't exist, he is no longer a board of director member. Further, that in the resolution, it read there was no technical assistance but that to his knowledge, there were field representatives; namely, Anson Baker, Gideon Riley Jim Altonhofen, J.D. Coleman - they had serviced contracts, loan packaging, etc.

Austin Gillette read a letter from Anson Baker regarding his position from 1983-85 as loan officer. Mr. White informed that he was appointed by the Tribal Business Council back in the 1980's to fill

an unexpired term and remained until they became defunct. As far as decision making, they had an executive committee to approve loans. I was not on the executive committee. Mr. Rabbithead asked who was on the executive committee. Mr. White replied it always changed and named a few people. He said he use to have a list but when they no longer existed he threw all his papers away.

Mr. Gillette asked as a Board member if some of these clients were written off. He had heard tremendous amounts of money were written off. Mr. White said in throwing the papers out he had come across one that was written off for \$100,000 but was informed that was because there was no credit life.

Mr. Rabbithead said last November the Tribe started the investigation and in his trip to EDA, Denver, he spoke with Mr. Charles Lee. They didn't have any records, apparently they burn their records after 15 years. He was given a contact person in D. C. He went to D.C. but couldn't get much information and was referred to the trust & responsibilities, with the Dept. of Interior and received the same response. The object was to receive information as to what transpired during the changes from profit to non-profit to profit, AIACC to ICC and back to AIACC. I was later informed by Mr. Ken Danks that he asked you if you had any records and you said you burned them, is that true? Mr. White responded, yes, my own personal records because they were no good to anyone else; how that went from AIACC (non-profit) to established the for profit ICC, that was just in resolution form. If you wanted records, all you had to do was get a hold of the attorney. I am sure that all that is on file.

Mr. Bird Bear asked Mr. White who writes off the loans, board of directors or 1 person? Mr. White responded the executive committee did that at annual meetings or bi-annual meetings.

Chairman Wilkinson asked Mr. Terry Walters to approach the table. Chairman asked Mr. Walters in 1986-87 was there a purchase order given to Mr. Anson Baker to continue working with borrowers to resolve the issues with ICC. Mr. Walters responded yes, but wasn't sure but could find out exactly what the part 100 of that contract between BIA and

the ICC said in dealing exclusively with ICC members or with the other Bureau clients but there was a contract. Mr. White thought there might be two purchase orders.

Mr. Ken Danks asked the Chairman if they were allowed to ask Mr. White questions for clarification. Ken Danks asked Mr. White when was the last time you were at a board of directors meeting? Mr. White responded a couple years ago in Rapid City. Question: have you voted on any issues since then. Response: Nope, I have not attended another meeting. Question: Have you voted by proxy? Response: Yes, I have. Question: Who did you assign to? Response: Tom Fredericks. Question: Is Tom the attorney? Response: Yes, he was, I think he still is. Question: Did Tom Fredericks vote in the interest of the Tribe? Response: I am sure he has. Question: Did you vote for the dissolution of ICC by proxy? Response: I believe, I did. Question Through proxy? Response: Yes, I did. Question: Assigned to who? Response: Tom Fredericks. Question: Did you vote for the dissolution of AIACC. Response: I am sure I did -I don't recall. Question: How did you vote? Response: for a dissolution. Question: Who voted for you? Response: Tom Fredericks. Question: Did Tom Fredericks vote for the interest of the Tribe? Response: I am sure he did. Question: Have you seen the dissolution plan of AIACC? Response: Yes, I did and that also went out in the dumpster. Question: Did you see the plan for ICC dissolution? Response: I think they are all together if I am not mistaken. Question: Did you present that plan to the Three Affiliated Tribes? Response: No, I did not. Question: were you voting on the assets of the Three Affiliated Tribes? Response: The assets? Question: yes, who owned the company? Response: Indian Credit? Question: Who owned Indian Credit, membership right? Response: I don't understand you. Question: When ICC dissolved that was a membership owned company and they assigned all the shares to AIACC is that correct? Response: I do not recall exactly how it was done, the dissolution, but all I understood, it was clear to me, that they were both terminated, both dissolved. Question: You never submitted that plan to the Three Affiliated Tribes? Response: No, I did not submit any paperwork to anybody. Question: So the

Tribe really had no knowledge of the continued operations of the business? Response: Perhaps, not. Question: The Tribe had no opportunity to make comments as to how they wanted to dissolve the assets of that business? Response: probably, not. Question: Is it in your opinion also that the assets of that business/the grants initially set up were only obtainable by the Tribe - the Tribes the only recipients to these grants, is that right? Response: I don't know of any grants. Question: Weren't there grants established.... Response: Grants established the company but once the money left it lost it's identity. Question: How did it leave? Response: Through loans. Question: How did it leave from AIACC to ICC? Response: I don't recall how that happened. Again, you have to go back to the attorney who has the records. Question: Have the Three Affiliated Tribes ratified the transfer of funds from AIACC to ICC for their use of revolving loans? Response: I don't know. Question: Has the Three Affiliated Tribes ratified the amendment of AIACC from taking the Tribes out of membership/ownership and transferring into membership who in turn would be Indian borrowers? Has that ever been presented to this Tribe? Response: I don't know. Question: Has any Tribe? Response: I have not done it.

Austin Gillette referring to a resolution dated February, 1978, asked Mr. White if he recalled the Board of Directors authorizing funds which were not loaned to individual Indian Ranchers of the 15 Reservations, to be loaned to 9 individuals from Tribes in 3 state of \$900,000 at 1%? Mr. White recalled that Rose Crow Flies High was the Chairperson and this money was loaned at \$1,000 per Rancher, believing the Council borrowed it at 1% and loaned it out at 2% but was not aware of the Board of Directors loaned it to 9 individuals.

Mr. Terry Walters stated that all this was new to him and his concern was BIA becoming involved again. In the information he's been able to review the information being requested was nowhere to be found. He would like to see the historical data and see where the BIA fits into this or has He received some information on his recent trip to Aberdeen but this was very vague.

Mr. John Danks made a statement that like Mr.

Walters the Ranchers and Tribal members are unable to understand what happened to this organization. This is why they are requesting the assistance of their Tribal Business Council because it has become so complicated and they were literally shutdown when they asked for information.

Mr. Ken Danks said the resolution that was read was submitted to the Tribal Council for review prior to receiving the dissolution plan of AIACC. The dissolution plan is clear in what it states but it is unclear in its' ratification. He didn't think the Tribal Council had ratified it. He further stated that Mr. White transferred his votes to Tom Fredericks and according to the resolution was one of the recipients of the contract and that this needed to be addressed.

Chairman Wilkinson stated as he seen this, there were two issues: 1) Asking the Tribal Council to establish a task force to look into the dealings of AIACC, ICC, Three Affiliated Tribes and its' members; and 2) The request to overturn the Tribal Court Decision in which he saw some serious issues related with that. Chairman asked Ken Danks if he was a borrower to which he answered, "no". but that the people he was representing did borrow various amounts with considerable payments being made at different times. He also said that he and/or his clients have attempted to work with ICC through their credit counselor to restructure their loans or attempted to negotiate a settlement with ICC through their credit counselors before legal action Chairman asked Mr. Danks when they negotiated. Mr. Danks said that would probably be best answered by yourself. Chairman stated, "FOR THE RECORD", I never was authorized by any of the borrowers to negotiate a settlement." Mr. Danks said but you were authorized to act as their credit counselor. Chairman stated I was never authorized to negotiate a settlement and that is the very issue that affects this resolution. Mr. Danks said the issue is the assets of the Tribe. Chairman said the issue is the court case that is going on right now. Mr. Danks said this court case has changed. Chairman asked if Mr. Dank's clients had exhausted all their legal rights that there was an action filed in Intertribal Court of Appeals, a jury trial? Mr. Danks responded with he wasn't sure what their rights are. Was there an Appeal

filed once a decision made by Tribal Court on a jury trial. Mr. Danks responded yes there was. Chairman asked if that case is currently pending. Mr. Danks responded in one case there is, yes. Chairman stated so you have not exhausted your appeal rights. Mr. Danks responded, no I haven't, and that my clients have not commenced an action in Federal District Court challenging the decision of the Tribal Court. Discussion followed on the resolution asking the Council to prohibit AIACC & ICC from continuing further action in Tribal Court and the liability for the Councilmen for interfering in the due process and these actions would certainly go to Federal District Court. Chairman said, there are two sets of circumstances here, 1) is the Court cases that are currently pending and 2) a request for a task force. As Mr. Rabbithead stated earlier he was appointed by council to do a review or prepare a report for the council on AIACC and ICC. Mr. Ken Danks stated our constitution requires protection of the assets of the Tribe and the welfare of its' people. We have some real problems as to where this organization is at. If you allow them to continue prosecuting these claims these judgments in Tribal Court and in at one point they are in error of taking this money from the Reservation, once it is prosecuted and leaves this Reservation, there is no way of reclaiming it. Resolution 91-3 of AIACC specifically says these are assets of the Tribe but this resolution is void in its presentation, there is no acknowledgment from any of the Board of Directors members that the wording in this resolution is what they truly intended for the dissolution of the AIACC. The resolution which you have in front of you was prepared prior to receiving a copy of the AIACC 91-3. This is information we have obtained through court filings. It is really unclear how the other tribes are participating. There is no plan, there hasn't been a plan. The real estates within this Reservation, the liens they are carrying, the judgments they are pursuing are assets of this Tribe - Once they leave their character and their identification this Tribe will lose it's assets, it's people and it's resources. Our Constitution clearly says that we shall protect these resources and we shall protect the welfare of the people. We are just asking to put it on hold, to put it on stay until you get input, we haven't had any input from other Tribes as to how they look at it. There has been no personal acknowledgements

on this dissolution plan. We have no direction, there is no protections and to have an attorney vote by proxy to personally enrich himself at the expense of other people is not in the best interest of this Tribe. This resolution needs to be voted on. To allow them to continue to confuse our court system is not fair justice to all of us, not only to the individual borrower but to the whole Tribe. To allow individuals without the authority of the Tribal Business Council to pledge, sign, transfer or give away the assets of this Tribe sets a dangerous precedence, on how we can handle or who can handle our assets without full Tribal Council ratification and yet the trust responsibilities on the 25 CFR that says the Grantees of any grants are only the Indian Tribes and the Tribes are responsible for the administration of it and that is where we are at. Any change to a multi-organization in which there is more than 1 tribe involved has to have a resolution from each Tribe addressing it and we have a change here. This dissolution of 91-3 is a change, this is a direct change and it is the responsibility of our Tribe to either reconvene the board of directors or reconvene the other participating members of these tribes and find out what is going on.

Mr. Jim Danks addressed the Council said that as tribal court and appeals court, this is the problem we are facing, it is a foregone conclusion that beyond our Reservation boundaries here no one respects our court. I cannot subpoena from our court, Jim Althenhoff. I cannot subpoena Don Buckley, I cannot subpoena any non-Indian person from our court system and when you go to the appeals court with these kind of handicaps already there because our code is handicap. If we can get this through Tribal Court it would be a better sparing ground for legalities. This is why we came to the Tribal Council.

Ms. Diane Cohen questioned Mr. James Danks on some statements he made: She asked when you said you couldn't subpoena persons outside of court, you had a jury trial in this matter didn't you, and in fact at those hearings Mr. Altenhoffer was there, and also, Mr. Buckley, isn't that true and they were available for full cross examination were they not - they took the stand didn't they and you through

your attorney had the opportunity to cross-examine them didn't you. Mr. Danks responded with not fully. No. Ms. Cohen asked in fact that was done wasn't it. Ms. Cohen said she would like to advise the council that those two people were definitely at the hearing and they were subject to full cross-examination in light of rebuttal and it was done on the record. Mr. Ken Danks stated that he received new information regarding the operation procedures that Fredericks and Pelcyger have written on behalf of AIACC and ICC, that they supply the securities department, the banking department of North Dakota, that is directly adverse to the way that they proceeded in the way they continued in the operations of our courts. I have submitted them documents to Jack Rabbithead. So let's say this is a continuing battle.

Ted Lone Fight, III in at 10:09 AM.

Mr. John Danks, Sr. commented to the Council by saying that he attempted to negotiate - he called Mr. Buckley and he made his payments regularly and honestly and that he didn't owe this corporation that much and he wanted to settle, I am retired now I would like to debt settle. The gentleman's response to me was "you will ---- too, if you eat well". If I could have reached through that phone and hit him I would of, that is why I carry alot of animosity with this situation; and what I am asking the tribe to do and why I am here is to intercede with this situation and to help their constitutes resolve this situation. We have been unable to deal singularly or alone with this corporation. It is too powerful, it has wasted all my money, I can not afford another court, I cannot afford another attorney and I seek relieve through my Tribal Business Council and I seek support and if there needs to be a Federal Court in this, I ask the Tribal Council to join and to assist us in resolving it. Thank you.

Chairman Wilkinson asked each of the Councilmembers for their comments on the issue as well as expressing his concerns on the resolution as presented. Discussion followed on the contents and meaning of the resolution as presented.

Maurice Danks in at 10:13 AM. Delvin Foote in at 10:15 AM.

MOTION was made by John Rabbithead, Jr. to approve the resolution with the deletion of the last two "Be it further Resolved" provisions. SECONDED by Ted Lone Fight, III. DISCUSSION: James Mossett said I think we should do a new resolution because it keeps saying the assets of the Tribe and Fredericks and Pelcyger Firm is under the opinion, Tribes have no assets involved in this, is that right? Diane Cohen: Yes. James Mossett further asked, the Tribe has no assets, that we have no money, we have no involvement other than owing money to our members but that the money doesn't actually belong to the Tribe, so we have no assets? Diane Cohen: Yes, that is correct. Under the Resolution of AIACC, however, the Tribe would be beneficiary recipient of a portion of whatever assets is collected. James Mossett stated he would be in favor of a different resolution stating we investigate and get more information and; also, you mentioned that there are other people with loans that you have dealing with and are willing to negotiate those loans with those individuals? Diane Cohen: Yes. James Mossett: to some sort of reasonable solution? Diane Cohen: Yes. Ted Lone Fight, III asked Mr. Rabbithead who would be on the task force with him. Mr. Rabbithead stated he would like a volunteer from the Tribal Council and possibly Ken Danks. James Mossett agreed to be the volunteer from the Tribal Business Council. It was agreed that this be part of the Motion.

AMENDED MOTION by John Rabbithead, Jr. to approve the resolution with the deletion of the last two "Be it further resolved" provisions and that Kenneth Danks and James Mossett serve on the Task Force with John Rabbithead, Jr., SECONDED by Ted Lone Fight, III. DISCUSSION: Mr. Gillette informed the council that in figuring on \$6.1 million dollars divided by the 15 reservations what belongs to the Three Affiliate Tribes theoretically is \$409,738.10, but understood that due to bad loans and monstrous write-offs, this was not a true figure. Chairman Wilkinson said whatever the findings of this task force and their recommendations will be considered by the Tribal Business Council. Mr. Mossett, again, asked for a new resolution because the one being acted on alleges that AIACC and ICC have grossly mismanaged the assets and that he felt we do not have enough information to say that.

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VOTE: 6 in favor, 1 not voting, 0 opposed. MOTIO
CARRIED. (Resolution #92-028-JJR).

ITEM 04: ADJOURNMENT:
The meeting adjourned at 10:30 PM.

Approved

Disapproved

John J. Rabbithead Jr.
Secretary, John J. Rabbithead, Jr.

4-23-92
Date

ATTEST:

Wilbur D. Wilkinson
Chairman, Wilbur D. Wilkinson

4-23-92
Date



MANDAN, HIDATSA, & ARIKARA NATION

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AGENDA

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1. Call to Order
2. Roll Call
3. Resolutions:
*Fort Berthold Ranchers VS American Indian
Agricultural Credit Consortium
4. Adjournment