

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

WHEREAS, This Corporation is an Indian Chartered Corporation as defined by the Indian Reorganization Act of June 18, 1934, and authority is granted under this Act, and

WHEREAS, present Bureau of Indian Affairs policies provide that if an Indian person is to purchase land held in trust located on the Fort Berthold Reservation from another Indian either by advertised sale, or negotiated sale unless the Bureau of Indian Affairs determines that the seller is in further need of Bureau assistance, that said land loses its trust status and the purchasing Indian is required to take said land as patent fee land.

WHEREAS, the Indians on Fort Berthold are struggling to establish themselves as independent and self-sustaining operators, and at the present time are proposing a grant and loan program to assist themselves to this end, and

WHEREAS, the placing of trust land into the patent fee status places an additional penalty on an Indian purchasing land due to high taxation of patented fee lands, and

WHEREAS, Non-Indian operators who are better financially prepared to purchase land and take same in patent fee status are so doing to the detriment of Indian bidders who can raise only the purchase price of said land, but who are not yet financially able nor have they had an opportunity to yet acquire the 'know how' to obtain sufficient revenue from said purchased patent fee land to pay for the land as well as pay high taxes on same, and the taking of Three Affiliated Tribes lands due to the Garrison Dam broke up many Three Affiliated Tribes Indian members economic units and has made it necessary for said members of the Three Affiliated Tribes to seek other lands to re-establish themselves, and has consequently retarded the economic development of said members of the Three Affiliated Tribes, and

WHEREAS, the requirement taking lands sold between Indians from trust status to fee patent status has and will continue to alienate Indian lands to Non-Indian operators to the detriment of all Indian peoples, and to the continuity of Indian held property on the Fort Berthold Reservation, and

WHEREAS, many negotiated land sales between individual Indians would be made for purposes of land consolidation and for an individual to obtain essential acreage to operate his own unit, however, the Bureau of Indian Affairs appears to determine that any Indian capable of purchasing land at a negotiated sale will automatically eliminate him from the possibility of continued Bureau assistance as set forth in Bureau of Indian Affairs policy, and while it necessary for the individual to take such land in fee patent status regardless of actual need for continued supervision and assistance,

NOW THEREFORE, the Tribal Business Council of the Three Affiliated Tribes goes on record against said policies and requests that the Department of Interior and Bureau of Indian Affairs institute proper remedial procedures to delete the Bureau of Indian Affairs policies requiring that trust lands sold between Indians either by negotiated or advertised sales be placed in fee patent status, and that Indians be permitted to sell trust lands held by them to other Indians, either by negotiated or advertised sales, and that said lands shall not, by virtue of said sale, be placed in fee patent status.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certifies that the Tribal Business Council is composed of 10 members of whom 8 constituting a quorum were present at a Special meeting, thereof duly called, noticed, convened, and held on the 25th day of January 1960; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 abstentions, and that the said resolution has not been rescinded or amended in any way. Unanimous not voting.

Dated this 25th day of January 1960.

Valentine Wells
Secretary, Tribal Business Council

ATTEST:

James Hall
Chairman, Tribal Business Council

Administration
076.3

Fort Berthold Agency
New Town, North Dakota

Memorandum

To: Assistant Area Director(Tribal Program)
From: Superintendent, Fort Berthold Agency
Subject: Resolution No. 60-6.

There is attached Resolution No. 60-6. This resolution has to do with the tribe's objection to the requirement of trust lands being conveyed in fee when purchased by another Indian. This agency attempts to determine whether an Indian is in need of Bureau assistance in handling his affairs according to the rules of competency pertaining to the qualifications for a patent in fee. This interpretation of policy is in accord with the Area Office memorandum dated November 12, 1959; File: FB-861(A)-3.

UW:rkensag

Owen D. Morken
Superintendent

Attachments

076.3

Fort Berthold
Tribal Programs
Realty-110 Policy File.

RECEIVED
FEB - 5 1960

FORT BERTHOLD AGENCY
NEW TOWN, N. DAKOTA

Aberdeen Area Office
820 South Main
Aberdeen, South Dakota

FEB - 4 1960

Commissioner, Bureau of Indian Affairs
Washington 25, D. C.

Dear Sir:

Enclosed are two copies of Resolution No. 60-6/adopted by the Tribal Business Council of the Three Affiliated Tribes, Fort Berthold Reservation, on January 25, 1960.

In the Resolution the Council protests the policy which prevents Indians who have the ability to manage their own affairs from acquiring additional land in trust status. This policy is set forth in your general memorandum of April 21, 1959.

Mr. James Hall, Sr., Chairman of the Business Council, is expected to be in Washington next week and will no doubt desire to discuss the policy with you.

Sincerely yours

(Sgd) Robert L. Bennett

Assistant Area Director

Enclosure

Copy to: Superintendent, Fort Berthold Agency ✓

Copy to: Mr. James Hall, Sr., Chairman of the Tribal Business Council: Through: Superintendent, Fort Berthold Agency.