

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

- WHEREAS, *This Nation having accepted the Indian Reorganization Act of June 18, 1934 and authority is under said Act; and*
- WHEREAS, *the Constitution and By-laws and Corporate Charter of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the Tribes and tribal members; and*
- WHEREAS, *in the 1940's Congress authorized the construction of the Garrison Dam, which flooded the Fort Berthold Reservation and created major social and economic problems for the people of the Reservation and their tribal government; and*
- WHEREAS, *over the years the Tribes have accumulated a large number of disagreements with the Corps of Engineers, which administers the reservoir take area and which has paid inadequate attention to the views, needs and rights of the Tribes; and*
- WHEREAS, *the Corps has recently approved a comprehensive Master Plan for the take area which resolves many of the disagreements contrary to the views, needs and rights of the Tribes; and*
- WHEREAS, *the Tribes that the time has come to demand that the many questions of tribal rights in the take area be settled by negotiation, litigation, legislation or other means; and*
- WHEREAS, *before these questions are settled it will be necessary to ascertain and assemble the facts and law underlying the disagreements as to what are the rights of the Tribes; and*
- WHEREAS, *some of the necessary work has already been done in what has been called Phase I of the Garrison Dam Tribal Rights Project, namely, an identification of all outstanding tribal disputes with the Corps of Engineers, and a legal analysis of tribal jurisdiction in the take area, but most of the work still needs to be done, including the following:*
- 1. Historical analysis of Garrison Dam legislation, early agreement with the Tribes (later disregarded), hardship and losses caused by the Dam, damage to tribal economy and community, relations with Corps to date, efforts of BIA in support of the Tribes.*
 - 2. Critical analysis of the Corps of Engineers Master Plan in light of tribal social and economic requirements, and degree to which the Tribes should participate in management of the take area.*

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3. Preliminary analysis of whether the Indians were fairly compensated for their land and other losses, as many believe they were not.
4. Identification of facilities lost by inundation and not replaced, and new facilities needed because of the new physical status of the Reservation (e.g. bridges).
5. Study of whether other tribes on the Missouri River were treated comparatively better than the Fort Berthold Tribes, in terms of damages paid and facilities restored, as has been alleged.

NOW, THEREFORE BE IT RESOLVED, by the Three Affiliated Tribes of the Fort Berthold Reservation, that the Tribes hereby authorize their Washington attorneys, Wilkinson, Cragun & Barker, to organize, plan for and have done the necessary inquiries and studies (to be called Phase II of the Garrison Dam Tribal Rights Project) and recommend to the Tribes a detailed plan of action to vindicate tribal rights in the take area (which action will be Phase III of said Project).

BE IT FURTHER RESOLVED, that the Bureau of Indian Affairs is requested to fund Phase II to the extent of \$100,000, and to assist the Attorneys to the extent reasonable and necessary.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members of whom 7 constituting a quorum, 7 were present at a Special meeting, thereof duly called, noticed, convened and held on the 23 day of February 1979; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, and that the said Resolution has not been rescinded or amended in any way.
Chairman (voting) (~~not voting~~).

Dated this 23 day of February 1979.

Zilbe Walker
Secretary, Tribal Business Council

ATTEST:

Arthur J. Billette
Chairman, Tribal Business Council