

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 the authority is under said Act; and
- WHEREAS, the Constitution and By-laws 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, Article III of the Tribal Constitution establishes the Tribal Business Council as the supreme governing body, legislatively, and judicially; and
- WHEREAS, that pursuant to it's authority under the Indian Reorganization Act and the Tribal Constitution a court system for criminal and civil matters has been established by the Tribal Business Council; and
- WHEREAS, the Tribal Business Council has not established a separation of Powers between the Judiciary and the Business Council and therefore, have not given their ultimate and supreme authority over the court system; and
- WHEREAS, in the establishment of the Tribal Court System the Tribal Business Council did not in any manner waive it's Rights of Sovereign immunity, sovereign immunity meaning that the Tribal Council is the independent and supreme authority of the land; and
- WHEREAS, the United States Supreme Court in Santa Clara Pueblo v. Martinez, 98 S. Ct. 1670 (1978) did expressly hold that Tribal Governments are immune from lawsuits, that is, Tribal Governments cannot be sued; and
- WHEREAS, the Plaintiffs in the matter of Rose Crow Flies High, et al, vs. Austin Gillette, Chairman, Civ. No. 1-79-A04-07 have never submitted a complaint in any manner regarding this election dispute to the Election Board or the Tribal Business Council, the matter is final and no Court relief is possible; and
- WHEREAS, the Plaintiffs in this election dispute are requesting that the Tribal government be abolished which would cause the loss of thousands of dollars in grants and other funding sources, the inability to pay the salaries of Tribal employees, and the total breakdown of the Tribal government system; and
- WHEREAS, the Area Director of the Bureau of Indian Affairs in a 4 page intelligent decision upon the appeal of Arthur Thomas Mandan held that the certification of Austin H. Gillette as Chairman was entirely proper, that the Tribal Business Council was the proper body to determine the winner, that the result of the counting of the improperly voided 39 ballots made Mr. Austin H. Gillette the winner in the November 14, 1978, run-off election, that the Election Board acted wrongly in voiding out the 39 ballots and that in all matters regarding this election the Tribal Council has acted in good faith and properly
- WHEREAS, there is precedent in the Tribal Court dismissing election lawsuits because of sovereign immunity; and
- WHEREAS, the Tribal Business Council has the responsibility of protecting the intergrity and well-being of the governmental system; and

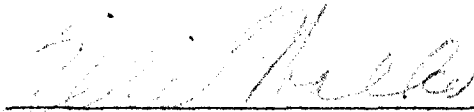
WHEREAS, the Order of Thomas Ewing dated February 13, 1979, simply states the Court has authority to hear lawsuits against the Tribes and therefore subjecting the Tribes to any and all lawsuits which could conceivably bankrupt said government and is in direct conflict with the United States Supreme Court's decision in Santa Clara Pueblo v. Martinez; and

THEREFORE, BE IT RESOLVED, that to preserve and protect the integrity, sovereignty and well-being of the governmental system, the Tribal Business Council hereby removes the matter of Rose Crow Flies High, et al v. Austin H. Gillette, Chairman, et al, Civ. No. 1-79-A04-07 from further action.

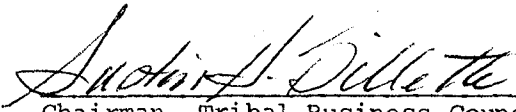
C E R T I F I C A T I O N

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 2 day of ~~February~~ ^{March} 1979; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 7 members, 1 members opposed, 3 members abstained, and that the said resolution has not been rescinded or amended in any way. Chairman (voting) (not voting).

Dated this 2 day of ^{March} February, 1979.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council