

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 under said Act; and
- WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS, Article VI, Section 5(d) specifically authorizes and empowers the Tribal Business Council to advise and consult with representatives of the Interior Department on all activities of that Department that may affect the Fort Berthold Reservation; and
- WHEREAS, The qualified members of the Three Affiliated Tribes, on March 11, 1985, pursuant to a referendum vote administered by the Secretary of the Interior in accordance with 25 CFR Part 81, amended certain portions of the Tribal Constitution; and
- WHEREAS, The legal effect of the Constitutional amendment approved by the qualified Tribal voters is to extend Tribal authority, consistent with federal law, to all persons and lands within the exterior boundaries of the Fort Berthold Reservation; and
- WHEREAS, The Secretary of the Interior has requested the Three Affiliated Tribes' agreement regarding the future application and meaning to be attributed to Article VI, Section 4 of the amended Constitution, before approving the Constitutional amendment; and
- WHEREAS, Article VI, Section 4 reads as follows:

Any resolution or ordinance which, by the express requirements of federal law, is subject to the approval of the Secretary of the Interior, shall be presented to him, and he shall, within ten (10) days thereafter, approve or disapprove the same.;

and

- WHEREAS, The Tribal Business Council believes that the appropriate interpretation of the above-referenced section relating to Secretarial approval of future Tribal legislation obligates the Tribal Council to:
- 1) Submit such Tribal legislation to the Secretary of the Interior for approval as is expressly required by governing federal law, whether statutory in nature or a principle of federal common law; and
  - 2) Recognize that the relevant federal law, as to the specific substantive or procedural requirements governing the time and nature of the Secretarial approval required, shall control the Secretary of the

Interior's responsibility to approve the Tribal action in question;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council hereby concurs with the interpretation of Article VI, Section 4, as set forth in the letter from the Aberdeen Area Director of the Bureau of Indian Affairs dated March 22, 1985.

CERTIFICATION

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 constitutes a quorum, 9 were present at a Regular Meeting, thereof duly called, noticed, convened, and held on the 11 day of April, 1985; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 1 members opposed,     members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 11 day of April, 1985.

John Chausy  
Secretary, Tribal Business Council

ATTEST:

Alice Lottel Bean  
Chairman, Tribal Business Council