

**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(j) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to cultivate and preserve the native culture, ceremonies, and traditions of the Tribes and to protect and preserve the cultural resources of the Tribes; and
- WHEREAS,** Article VI, Section 3(a) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to present and prosecute any claims or demands of the Tribes before any court or agency of government, whether federal, State, or Tribal, and to retain legal counsel for the purpose of providing assistance in the presentation and prosecution of any such claims or demands; and
- WHEREAS,** Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with any and all agencies of the federal, State, and local governments; and
- WHEREAS,** The Three Affiliated Tribes have, for many years, been devoting substantial effort generally in the protection and preservation of our Mandan, Hidatsa, and Arikara cultural and religious heritage, and specifically in the protection and preservation of our ancestral burial sites located both within and without the State of North Dakota, including certain sites located within the States of Nebraska and South Dakota; and
- WHEREAS,** Our Tribes have, in more recent years, been engaged in negotiations and discussions with certain federal agencies, including the United States Army Corps of Engineers, the United States Air Force, and the National Park Service, and with certain public institutions and agencies, including the Smithsonian Institution, the University of Minnesota, and the Nebraska State Legislature, for the purpose not only of

providing for the protection and preservtion of our ancestral burial sites, but also of securing from certain of such institutions and agencies the release and return of the previously distinterred human skeletal remains and associated burial artifacts in their respective possession; and

WHEREAS, With regard to the respective above-referenced negotiations and discussions which have, to date, been consummated, the Three Affiliated Tribes have met with consistent and absolute success in the accomplishment of our objectives; and

WHEREAS, For a period of approximately one year, the Three Affiliated Tribes have been continuously and affirmatively involved in a pending cultural and religious preservation endeavor, wherein the Tribes have been attempting to secure the release from the North Dakota State Historical Society of the myriad of Indian skeletal remains and associated burial artifacts/grave goods currently in the possession of the Society and being stored in the basement of the North Dakota Heritage Center, in Bismarck, North Dakota; and

WHEREAS, The initial formal action taken by the Tribal Business Council in such endeavor was embodied in Resolution #87-83-TL, dated the 1st day of June, 1987, whereby the governing body of the Tribes requested and strongly urged the State Historical Society Board to immediately release for reinterment all Indian skeletal remains and associated burial artifacts to the respective North Dakota Indian tribes or an intertribal entity, as appropriate, and directed the Legal Department of the Three Affiliated Tribes to prepare a litigation analysis of the reinterment issue at hand (a true and correct photostatic copy of which Resolution is attached hereto for reference); and

WHEREAS, The Chairman of the Cultural Concerns Committee of the Tribal Business Council and the in-house legal counsel of the Tribes assigned to this matter have steadfastly kept the Council apprised of the periodic activities engaged in and actions taken by the State Historical Society Board and its Reinterment Committee throughout the course of the pursuit of the Board's recently established policy of reinterment of the skeletal remains and burial artifacts at issue; and

WHEREAS, The Tribal Business Council has additionally been kept apprised of the various meetings of and the formal final position developed and maintained by the Intertribal Reinterment Committee relative to this matter of release for reinterment, which Committee is comprised of officials and other representatives of each of the Indian tribes resident within the State of North Dakota and has been formally

recognized by the Tribal Business Council as the intertribal governmental entity officially representing the interests of the Three Affiliated Tribes in this particular matter pending before the State Historical Society Board; and

WHEREAS, Such formal final position maintained by said Intertribal Reinterment Committee, which position has been formally and fully endorsed and supported by the Tribal Business Council of the Three Affiliated Tribes and represents the unequivocal and unified position of all North Dakota Indian tribes on the issue at hand, is briefly paraphrased as follows:

1. There shall be no further analysis conducted, to any extent or in any manner, on the Indian skeletal remains and associated burial artifacts which are currently in or come into the possession of the North Dakota State Historical Society.

2. Any and all analysis which is currently being conducted on skeletal remains and burial artifacts, which are in the legal possession of the State Historical Society, but are currently in the physical possession of any other entity, shall be terminated forthwith and any and all such remains and artifacts shall be forthwith returned to the physical possession of the State Historical Society.

3. Those skeletal remains and burial artifacts in the possession of the State Historical Society, which have, to date, been tribally identified, shall be released forthwith to the appropriate North Dakota Indian tribe for reinterment on the respective reservation.

4. Those remaining skeletal remains and burial artifacts in the possession of the State Historical Society, which have not, to date, been tribally identified, shall be released forthwith to the Intertribal Reinterment Committee for reinterment on the North Dakota reservation designated by said Committee.

5. There shall be no subsequent disinterment by the State Historical Society of any of the skeletal remains or burial artifacts so released for reinterment to the respective North Dakota Indian tribes and to the Intertribal Reinterment Committee.

6. Subsequent to the May, 1988 quarterly meeting of the State Historical Society Board, the Intertribal Reinterment Committee, in conjunction with the governments of the respective North Dakota Indian tribes, shall exclusively assume the primary responsibility of restoring and/or disinterring the human skeletal remains and associated burial artifacts from any and all opened or endangered burial mounds and prehistoric and historic Indian graves and cemeteries located within the State of North Dakota.

and


WHEREAS, In anticipation of the possibility that the Indian tribes of North Dakota may not secure from the North Dakota State Historical Society Board full satisfaction of all the requested actions inherent in the above-enumerated position maintained by the Intertribal Reinterment Committee in the informal atmosphere of discussion and/or negotiation, the Three Affiliated Tribes have conferred with attorneys of the Native American Rights Fund, in Boulder, Colorado, who have been formally involved in negotiation and litigation relative to the protection and preservation of Indian skeletal remains and burial artifacts, and have secured from the Native American Right Fund its commitment to provide formal assistance to the respective legal counsel currently retained by the North Dakota tribes in litigation, in the event that the Tribes should deem litigation the sole alternative remaining in their effort to secure the release from the State Historical Society of the skeletal remains and burial artifacts at issue, without any further analysis.

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby formally represents to the North Dakota State Historical Society Board that this Council (1) recognizes the Intertribal Reinterment Committee as the official intertribal governmental entity representing the interests of the Three Affiliated Tribes in the matter herein pending before the State Historical Society Board and (2) endorses and supports the formal final position developed and maintained by said Intertribal Reinterment Committee, as paraphrased hereinabove.

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 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 25 day of April, 1988; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 2 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 25 day of April, 1988.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council