

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 benefits of the enrolled members thereof; and
- WHEREAS,** Article VI, Section 3 of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to exercise all sovereign authority - legislative and judicial -- within the scope of the jurisdiction recognized in Article I of the Constitution; that is, all persons and all lands within the exterior boundaries of the Fort Berthold Reservation; and
- WHEREAS,** Article VI, Section 3 of the Constitution of the Three Affiliated Tribes further specifically authorizes the Tribal Business Council to delegate to the Tribal Court such judicial power and authority as may be necessary to realize the jurisdiction recognized in Article I of the Constitution; and
- WHEREAS,** By Chapter 1, Section 2 of the Law and Order Code of the Three Affiliated Tribes, the Tribal Council has created the Tribal Court system; and
- WHEREAS,** The Tribal Court and the Associated Tribal Judge, William L. Strate, have been named as defendants in an action filed February 5, 1992 in the federal district court for North Dakota, captioned A-1 Contractors and Lyle Stockart v. Honorable William D. Strate, Associate Tribal Judge of the Tribal Court of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, et al., #A1-92-024; and
- WHEREAS,** This action raises important issues of Tribal Court jurisdiction over civil actions arising within the Tribe's jurisdiction as recognized in Article 1 of the Constitution; and
- WHEREAS,** As a sovereign government, the Three Affiliated Tribes, including all branches and entities of the government, is immune from suit under the doctrine of sovereign immunity; and

THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
TRIBAL CHAMBERS

Special Council Meeting
March 20, 1992

PRESENT: Wilbur D. Wilkinson, Chairman; Titus Hall, Vice
Chairman; John J. Rabbithead, Jr., Secretary,
Roger Bird Bear, Treasurer; Austin Gillette,
Councilmember; Theodore Lone Fight, III., Council-
member and LaVerne Brady, Recording Secretary.

ABSENT: Jim Mossett, Councilmember

OTHERS: John Danks

ITEM 01: CALL TO ORDER:
Meeting called to order at 1:32 PM.

ITEM 02: ROLL CALL:
Roll called by Secretary Rabbithead.
Quorum established.

ITEM 03: RESOLUTION/APPLICATION FOR BASIC LIBRARY GRANT -
FY'92. #92-024-JJR.
This resolution read by Secretary Rabbithead.

Chairman Wilkinson entertains motion to approve.

Councilman Gillette made a motion to approve,
seconded by Treasurer Bird Bear.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 04: RESOLUTION/A-I CONTRACTORS: #92-025-JJR.
This resolution pertains to Council to exercise
all sovereign authority (legislative and judicial)
within the scope of the jurisdiction.

Chairman Wilkinson entertains motion to approve.

Vice Chairman Hall made motion to approve, seconded
by Treasurer Bird Bear. John Danks in at 1:37 PM.

Vote: 6 for, 0 opposed. Motion Carried.

ITEM 05: RESOLUTION/EMPLOYMENT OF LEGAL COUNSEL: #92-026.
This resolution pertains for Tribal Business
Council to hire a Special Attorney with NARF on
case entitled A-I Contractors.

WHEREAS, Pursuant to Article VI, Section 3 and Section 3 (a) of the Constitution, the Tribal Business Council has the authority to waive the immunity of the judicial branch of the tribal government; and

WHEREAS, The aforementioned matters have been presented to and discussed with the Tribal Business Council; and

WHEREAS, The Tribal Business Council has carefully considered the matter recognizes the importance of the issues raised by the aforementioned federal court action, and accordingly wishes to have the Tribal Court and the Associate Tribal Judge remain in the federal court action for the sole purpose of protecting, presenting, and asserting the claims to tribal court jurisdiction on behalf of the Tribe;

NOW THEREFORE BE IT RESOLVED, That the sovereign immunity of the Tribal Court and the Associate Tribal Judge is hereby waived for the limited purpose of remaining in the federal court action, A-1 Contractors, and Lyle Stockart v. Honorable William D. Strate, Associate Tribal Judge of the Tribal Court of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, et al., #A1-92-024, to protect, present, and assert the issue of tribal court jurisdiction; provided that, this waiver of immunity does not extend to other claims or issues in this action or any other now or in the future.

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 20th day of March, 1992; the forgoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting and that said Resolution has not been rescinded or amended in any way.

Dated the 20th day of March, 1992.

John F. Rabbithead Jr.
Secretary, Tribal Business Council

ATTEST:

Wilbur D. Wilkinson
Wilbur D. Wilkinson, Chairman
Tribal Business Council