

**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 3 of the Constitution specifically grants to the Tribal Business Council all necessary sovereign authority -- legislative and judicial -- for the purpose of exercising the jurisdiction granted by the People in Article I of the Constitution; and
- WHEREAS,** Article VI, Section 3(a) of the Constitution states, in part, that the Tribal Business Council is empowered to present and assist members of the Tribe in the presentation of claims or grievances before any agency of government; and
- WHEREAS,** Article VI, Section 4 of the Constitution requires any Resolution that is subject to the approval of the Secretary of the Interior shall be submitted for said approval or disapproval by the Secretary of the Interior; and
- WHEREAS,** Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes authorizes the Tribal Business Council to advise and consult with the representatives of the Interior Department on all activities of that Department which may affect the Fort Berthold Reservation; and
- WHEREAS,** Article VI, Section 5(f) of the Constitution specifically states, in part, that the Tribal Business Council has the authority to advise the Secretary of the Interior with regard to all appropriation estimates for the benefit of the Three Affiliated Tribes; and
- WHEREAS,** Article VI, Section (l) of the Constitution precisely empowers the Tribal Business Council to adopt Resolutions regulating the procedure of tribal agencies; and
- WHEREAS,** There is an ever increasing number of Indian Tribes and National Indian Organization(s) throughout Indian country that are recommending that the funding for both tribal justice systems and law enforcement be transferred from the Bureau of Indian Affairs to the Department of Justice; and

WHEREAS, The Tribal Business Council acknowledges the vital governmental functions performed by tribal justice systems and law enforcement and, further, confirms that such vital governmental functions have not been historically recognized by the Bureau of Indian Affairs; and

WHEREAS, It is the considered judgment of the Tribal Business Council that judicial services and law enforcement are top priorities in the day to day functioning within the Department of Justice; and

WHEREAS, Through the efforts and concerns of Attorney General, Janet Reno, who expressed concerns about the needs of tribal courts, the Department of Justice has made substantial accomplishments to address these critical issues of Indian tribal court systems; and

WHEREAS, The Department of Justice is currently participating in, and funding, the following: the establishment of an Office of Tribal Justice within the Department; a Tribal Courts Project; a Partnership Project; the development of an Indian Desk within the Department; and, the Department of Justice convened several local and regional conferences with Indian tribal representatives to discuss issues of mutual concern, especially with tribal courts; and

WHEREAS, The Tribal Business Council recognizes the attempts made by the Bureau of Indian Affairs in not undertaking the funding efforts required of said agency by the Indian Tribal Justice Act, P.L. 103-176, which would have made Fifty Million Dollars available for tribal justice systems throughout the United States; instead such action by the Bureau of Indian Affairs resulted in Indian tribes and their members suffering from the loss of such vital and critical services; and

NOW, THEREFORE BE IT RESOLVED, The Tribal Business Council of the Three Affiliated Tribes hereby requests that the Bureau of Indian Affairs be removed from the business of law and order within Indian country; and

BE IT FURTHER RESOLVED, The Tribal Business Council of the Three Affiliated Tribes hereby requests that funding for both law enforcement and tribal judicial systems be transferred to the Department of Justice, which is better suited as having exceptional expertise in law and order matters, as opposed to the Bureau of Indian Affairs, which does not have this special and technical expertise.

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 Regular Meeting thereof

duly called, noticed, convened, and held on the 11th day of July, 1996; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 11th day of July, 1996.

Daglan Spotted Bear
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council