



**RESOLUTION OF THE GOVERNING BODY OF THE  
THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD INDIAN RESERVATION**

**A Resolution Entitled, “*Authorizing Legal Representation Agreements and an Expert Witness Contract for the Upcoming Missouri River Litigation*”**

**WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and

**WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and

**WHEREAS,** The Constitution 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 MHA Nation and of the enrolled members thereof; and

**WHEREAS,** Pursuant to Article VI, Section 5(1) of the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business Council, its agencies, and officials; and

**WHEREAS,** Article VI, Section 5(c) of the Constitution specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Nation and to make expenditures from available Tribal funds for public purposes for the Nation; and

**WHEREAS,** The Department of Interior recently released M-Opinion No. 37056 (the “Opinion”) which incorrectly determines that the bed of the Missouri River located within the Fort Berthold Reservation is property of the State of North Dakota; and

**WHEREAS,** The Opinion overturns and ignores centuries of legal precedent and is a violation of the federal government’s trust responsibility and treaty obligations, among other things; and

**WHEREAS,** The Tribal Business Council is determined to take all actions within its power to protect its right to the Missouri River; and

**WHEREAS,** Such actions include litigation in federal courts and lobbying efforts in Washington D.C.; and



**WHEREAS,** The Tribe has requested and received a Representation Agreement from Robins & Kaplan, attached as **Attachment A**, for the purposes of representing the Tribe in litigation concerning the Opinion and its riverbed rights; and

**WHEREAS,** The Tribe has requested and received a Representation Agreement from Holland & Knight, attached as **Attachment B**, for the purposes of representing the Tribe in litigation regarding the Opinion and for lobbying efforts regarding the Opinion and its riverbed rights; and

**WHEREAS,** The Tribe currently has a contract with historian Mike Lawson for services related to the Missouri Riverbed and its history; and

**WHEREAS,** Mr. Lawson has offered his continued services as an expert witness for litigation concerning the Opinion

**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council of the Three Affiliated Tribes approves the Representation Agreements of the aforementioned law firms and authorizes the Tribal Chairman to execute such agreements.

**BE IT FURTHER RESOLVED,** That the Tribal Chairman is authorized to negotiate and execute a contract amendment with Mr. Lawson to secure his services as an expert witness.

**BE IT FINALLY RESOLVED,** That the Tribal Chairman is authorized to take such action as is necessary to carry out the terms and intent of this Resolution.

[THIS SPACE INTENTIONALLY LEFT BLANK. CERTIFICATIONFOLLOWS.]



**CERTIFICATION**

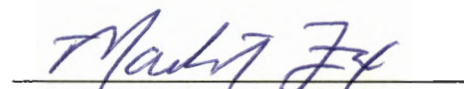
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 11<sup>th</sup> day of June, 2020, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 11<sup>th</sup> day of June, 2020.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Tribal Chairman, Mark N. Fox  
Tribal Business Council