



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

***A Resolution Entitled, "A Resolution to Clarify the Treatment of Traditional Ceremonial  
Items under the Jurisdiction of the Fort Berthold District Court System."***

- WHEREAS,** The Mandan Hidatsa and Arikara Nation, also known as the Three Affiliated Tribes ("MHA Nation" or "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(h) of the Constitution, the Tribal Business Council has the power to regulate the inheritance of real and personal property, other than allotted lands, within the territory of their jurisdiction; and
- WHEREAS,** Pursuant to Article VI, Section 5(j) of the Constitution, the Tribal Business Council has the power to protect and preserve the property, wildlife, and natural resources of the Tribes; to regulate hunting and fishing on all lands within the jurisdiction of the Tribes, and to cultivate and preserve native arts, crafts, culture, ceremonies, and traditions; and
- WHEREAS,** Among our people, traditional medicine bundles are items of significant cultural and religious importance; and
- WHEREAS,** Traditional medicine bundles are passed down within families from generation to generation pursuant to the Tribes' customs and traditions; and
- WHEREAS,** In 1938, members of the Midi Bidi clan of the Hidatsa worked tirelessly to repatriate a medicine bundle from the Museum of the American Indian In New York City, and through this process our ancestors affirmed the importance of these sacred items to our community's well-being; and
- WHEREAS,** The successful repatriation of the Midi Bidi Bundle to our people was an act of resistance that countered attempts to shift the meaning of our sacred items to nothing more than relics or collectibles to be bought or sold; and



**WHEREAS,** The importance of these items to our people cannot be understated, and as such, it is important that we pay close attention and resist any attempt to relegate traditional sacred items to simple pieces of property and that we promote their proper care and use in accordance with our customs and traditions; and

**WHEREAS** Because a traditional medicine bundle must be passed down pursuant to custom and tradition, it would be inappropriate for any court to assert jurisdiction to decide a traditional medicine bundle's appropriate inheritance; and

**WHEREAS,** The Tribal Business Council, pursuant to its Constitutional authority, must provide clarification as to the treatment of traditional ceremonial items, such as medicine bundles, under our Tribal Code; and

**WHEREAS,** This clarification will necessarily limit the Fort Berthold District Court and any other court from assuming jurisdiction over the probate of a traditional ceremonial item, such as a Medicine Bundle, or any item to which our people owe a ceremonial duty or responsibility, or any item used in the practice of our ceremonies and traditions, collectively referred to as "traditional ceremonial items"; and

**WHEREAS,** The Tribe has established the Fort Berthold District Court and the Mandan Hidatsa Nation Supreme Court as the Tribe's judicial system and the Tribe has also passed a Tribal Probate Code related to administration of tribal member estates.

**NOW, THEREFORE, BE IT RESOLVED,** the Tribal Business Council of the Three Affiliated Tribes determines that traditional ceremonial items, including medicine bundles, or any item to which our people owe a ceremonial responsibility, or any item used in the practice of our ceremonies and traditions, of any deceased tribal member is not "personal property" under the Tribal Probate Code and is not to be included in any probate court proceeding, nor shall the Fort Berthold District Court have the jurisdiction to include such items in the personal inventory of an estate; and

**BE IT FURTHER RESOLVED,** that no court, including the Fort Berthold District Court, is permitted to exercise jurisdiction in probate matters over any traditional ceremonial items, as such items are to be passed down to proper individuals according to the custom and traditions of the Tribes and among the family or clans and societies; and

**BE IT FURTHER RESOLVED,** that this Resolution shall not deprive the Fort Berthold District Court jurisdiction in matters outside of probate proceedings that are related to traditional ceremonial items such as claims to return or repatriate cultural items, or theft or appropriation of traditional ceremonial items; and

**BE IT FINALLY RESOLVED,** that this Resolution is effective immediately and shall apply to any currently pending or future probate court actions in which inclusion of



traditional ceremonial items are presented as an inventory within an estate or as a source of dispute or as “personal property” in a probate proceeding.

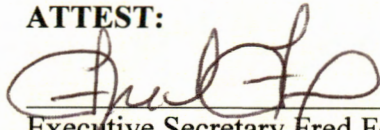
### CERTIFICATION

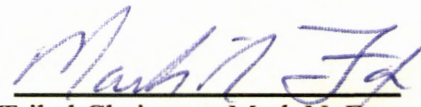
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 7<sup>th</sup> day of July, 2021, 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 [ X ] Voting. [ ] Not Voting.

Dated this 7<sup>th</sup> day of July, 2021.

**ATTEST:**

  
Executive Secretary Fred Fox  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Mark N. Fox  
Tribal Business Council  
Three Affiliated Tribes