



Lower Sioux Indian Community

P.O. Box 308 • 39527 Res. Hwy. 1
Morton, Minnesota 56270

LOWER SIOUX INDIAN COMMUNITY RESOLUTION NO.

07-237

SUPPORT FOR LINEAL DESCENDANTS IN WOLFCHILD V. UNITED STATES (CASE NO. 03-2684L AND 01-568L)

WHEREAS, The Lower Sioux Indian Community is a duly organized and federally-recognized Indian Tribe under 25 U.S.C. §476, and is governed by the terms of a Constitution and By-Laws originally adopted by the Tribal Members on May 16, 1936, and approved by the Secretary of the Interior on April 23, 1936; and,

WHEREAS, pursuant to said Constitution and Bylaws, the Community Council is the governing body of the Lower Sioux Indian Community; and

WHEREAS, the Community Council has the authority, as enumerated in ARTICLE V – POWERS, including but not limited to: (a) To negotiate with the Federal, State, and local Governments on behalf of the Community, and to advise and consult with the representatives of the Interior Department ...; (b) To employ counsel for the protection and advancement of the rights of the Community and its members ...; (c) To approve or veto any sale, disposition, lease, or encumbrance of community lands, interests in lands, or other community assets; (d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Community prior to the submission of such estimates to the Bureau of the Budget and to Congress; (e) To make assignments of community land to members of the Community in conformity with Article IX of this Constitution; (f) To manage all economic affairs and enterprises of the Community in accordance with the terms of a charter ...; (g) To appropriate for public purposes of the Lower Sioux Indian Community available funds within the exclusive control of the Community; (h) To levy assessments upon members of the Community for the use of Community property and privileges, and to permit the performance of reservation labor in lieu thereof, and to levy; (i) To safeguard and promote the peace, safety, morals, and general welfare of the Community by regulating the conduct of trade and the use and disposition of property

upon the reservation ...; (j) To establish ordinances ...; (k) To regulate the manner of taking nominations for Community officers and of holding community elections ...; (l) To adopt resolutions regulating the procedure of the Community Council itself and of other Community agencies and community officials; (m) To encourage and foster the arts, crafts, traditions, and culture of the Mdewakanton Sioux Indians of Minnesota; (n) To charter subordinate organizations for economic purposes and to regulate the activities of all such organizations ...; (o) To protect and preserve the property, wildlife and natural resources of the Community; (p) To delegate to subordinate boards, or community officials, or to cooperative associations ...; (q) To select delegates to sit in the annual conference of the Minnesota Mdewakanton Sioux Indians and in the National Council of the entire Sioux Nation; and,

WHEREAS, Congress stripped the Sioux of their Minnesota lands after the “1862 Sioux Outbreak” but authorized the Department of Interior to allocate up to eighty acres of that land to each loyalist; and,

WHEREAS, the allocation of land to the loyal Sioux was not successfully implemented, and Congress further provided for the loyal Mdewakanton in 1888; and

WHEREAS, in 2004, lineal descendants of the Mdewakanton Sioux who were loyal to the United States during the “outbreak brought suit against the United States for breach of fiduciary duty and contract in the management of property originally provided for the benefit of loyal Mdewakanton; and,

WHEREAS, the Court of Federal Claims, Lettow, J., held that: (1) United States created a trust for Mdeakanton Sioux who were loyal to the United States during the Sioux Outbreak in Minnesota, as reflect in Appropriations Acts of 1888, 1889, 1890 and 1901; (2) trust was not terminated by 1980 Act which transferred whatever title the United States had in certain trust land to the United States had in certain trust land to the United States in trust for three Mdewakanton Sioux communities in Minnesota; (3) Indian Trust Accounting Statute applied to breach of fiduciary duty claims; and (4) breach of contract claim accrued in 1981, and thus was untimely.

WHEREAS, the United States is vehemently opposing the efforts of the lineal descendants to obtain redress for the wrongs committed upon their ancestors; and

WHEREAS, the Community Council of the Lower Sioux Indian Community desires to assist the lineal descendants whom are also members of the Lower Sioux Indian Community in obtaining redress from the United States.

NOW THEREFORE BE IT RESOLVED, the Community Council hereby authorizes the release of the Community’s Jackpot Junction Casino Hotel audits from 1990 – present to

the Court of Federal Claims in Case No. 03-2684L and 01-568L and Plaintiff's legal counsel to be provided to the court under seal.

NOW THEREFORE BE IT FURTHER RESOLVED, the Community Council hereby authorizes the following donation of \$100,000.00 to the Minnesota Mdewakanton Dakota Oyate in the following manner: (1) \$50,000.00 for disbursement on July 20, 2007; and (2) \$50,000.00 for disbursement on or before October 1, 2007.

NOW THEREFORE BE IT FINALLY RESOLVED, the Community Council hereby authorizes their auditor for the tribally-owned gaming operation to provide expert testimony/technical support to the lineal descendants regarding the calculation of net revenues for Jackpot Junction Casino Hotel and respond to any questions regarding audits.

CERTIFICATION

I certify that Resolution No. ⁰⁷⁻237 WAS DULY ADOPTED BY THE Community Council of the Lower Sioux Indian Community at a meeting held on the 12 day of July, 2007, a quorum being present by a vote of 2 in favor, 1 opposed, and 0 abstaining.



Shannon Blue, President