

RESOLUTION OF THE SUMMIT LAKE PAIUTE COUNCIL  
SUMMIT LAKE PAIUTE TRIBE  
OF THE  
SUMMIT LAKE PAIUTE RESERVATION, NEVADA

RESOLUTION NO.: SL - 46 - 2008

TITLE: Authorizing Native American Rights Fund to Represent the Summit Lake Paiute Tribe in a Suit Against the Federal Government for Failure to Provide an Accounting of the Tribe's Trust Assets as Required by Law

WHEREAS, the Summit Lake Paiute Tribe, is a modern entity of the Northern Paiute People known, in English, as Lake Trout and Wild Onion Eaters who, for thousands of years, controlled 2,800 square miles of land in and around Summit Lake as a tribe with sovereign, unlimited, powers and laws (customs, traditions, usages, etc.); and,

WHEREAS, in 1964, and after much consideration, the members of the Lake Trout and Wild Onion Eaters organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, adopting, for certain sovereign purposes, the name "Summit Lake Paiute Tribe" with a tribal constitution titled "Articles of Association," the latter which was approved by the Secretary of the U.S. Department of the Interior on January 8, 1965; and,

WHEREAS, the Summit Lake Paiute Tribe's Articles of Association grant to the Summit Lake Paiute Council (see Article II, Section 1) certain sovereign powers, including the power to improve the welfare and education of tribal members and to take such action as is necessary to carry into effect any of the Council's powers and duties (see Article II, Section 1 (k)); and,

WHEREAS, the Summit Lake Paiute Tribe is a federally recognized Indian Tribe with a government-to-government relationship with the United States of America; and,

WHEREAS, the United States through the Departments of the Interior and Treasury have an obligation to administer and manage trust resources of the Summit Lake Paiute Tribe from judgment funds [and other revenues owing to the Tribe from trust resources]; and,

WHEREAS, the Summit Lake Paiute Tribe has never received a full and complete accounting from the United States for the funds derived from these trust resources even though the United States' Congress mandated that such an accounting be provided, and cannot therefore be assured that these trust resources of the Tribe were properly managed; and,

WHEREAS, the United States adopted a Statute of Limitations that may have expired on December 31, 2006; and,

WHEREAS, the Summit Lake Paiute Council, the governing body of the Summit Lake Paiute Tribe, believes that it received a copy of an Agreed Upon Procedures and Findings report prepared by the accounting firm of Arthur Anderson, L.L.P., (Arthur Andersen Report) which the United States now claims is an accounting of the tribal funds administered by the United States on behalf of the Summit Lake Paiute Tribe such that the statute of limitations to challenge the adequacy or accuracy of such Arthur Andersen Report will be cut off, leaving the Summit Lake Paiute Tribe with no legal remedy to secure a full and complete accounting; and,

WHEREAS, the Native American Rights Fund, a non-profit law firm in Boulder, Colorado, on December 28, 2006 filed a lawsuit captioned *Nez Perce Tribe, et al. v. Kempthorne, et al.*, Case No. 06cv02239-JR, to protect the rights of those tribes, which may be cut off from legal remedies as a result of the expiration of the statute of limitations, and to seek an order that the United States provide the full and complete accounting required by law; and,

WHEREAS, the Summit Lake Paiute Tribe wishes to be added as a plaintiff to *Nez Perce Tribe, et al. v. Kempthorne, et al.*, Case No. 06cv02239-JR, to seek protection from the expiration of any statute of limitations that may run as to its rights and to secure a full and complete accounting as required by law for its trust assets managed by the United States.

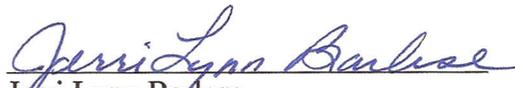
NOW, THEREFORE BE IT RESOLVED THAT, the Summit Lake Paiute Council hereby authorizes the Native American Rights Fund to represent the Summit Lake Paiute Tribe as an additional plaintiff in the *Nez Perce Tribe, et al. v. Kempthorne, et al.*, Case No. 06cv02239-JR, lawsuit.

#### CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby certify that the above Resolution, No. SL -46- 2008, was brought before the Summit Lake Paiute Council at a duly held meeting on the 20th day of December, 2008, with a quorum present, with the following votes to enact the Resolution: 3 FOR, 0 AGAINST; and, 0 ABSTAINING, with Council Chairman Warner Barlese presiding and not voting, and that this Resolution has not been rescinded, revoked or amended.

December 20, 2008

\_\_\_\_\_  
Date

  
Jerri Lynn Barlese  
Secretary/Treasurer  
Summit Lake Tribal Council