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Resolution No. 79-95

MAY 09 1979

RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

FORT APACHE INDIAN  
AGENCY

WHEREAS, the Tribal Council met and discussed certain litigation presently pending between the White Mountain Apache Tribe and the State of Arizona, and

WHEREAS, the case deals with attempts by the State of Arizona to tax the gross receipts and motor fuel consumption of Pine Top Logging, a non-Indian agent of the White Mountain Apache Tribe, for the hauling of timber owned by the tribe on roads owned and maintained either by the tribe or the Bureau of Indian Affairs, and all of the non-Indian agent's activities take place on the Fort Apache Indian Reservation, and

WHEREAS, the cost of any of these taxes will be immediately passed on to the Fort Apache Timber Company, an Enterprise of the White Mountain Apache Tribe, and

WHEREAS, the direct financial impact and loss will be approximately \$40,000.00 per annum to the White Mountain Apache Tribe, and

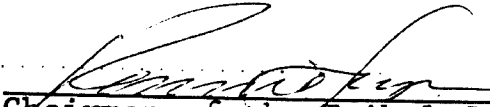
WHEREAS, the tax in question is an infringement on tribal self-government, and

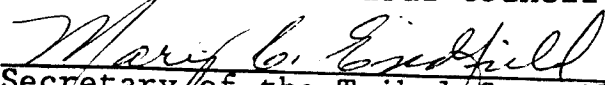
WHEREAS, the timber industry is vital to the well being of the White Mountain Apache Tribe and all of the Apache people, and

WHEREAS, the United States has a Trust responsibility towards the White Mountain Apache Tribe and an obligation to protect the tribe from the predatory practices of the Tax Commissioner of the State of Arizona.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby urgently requests that the Justice Department of the United States recommend to the United States Supreme Court that said Court grant Certiorari in the case of the White Mountain Apache Tribe v. Bracker, No. 78-1177; and, further, that the United States Justice Department file an amicus curiae brief with the Supreme Court in support of the tribe's position in this case.

The foregoing resolution was on May 03, 1979 duly adopted by a vote of 8 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

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