

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

- WHEREAS, the Tribal Council of the White Mountain Apache Tribe is confronted with numerous law and order matters, including law enforcement issues, as the governing body for the Tribe and all its members, and
- WHEREAS, increasingly, such law and order matters have noticeably involved non-Indians, as primary suspects, over whom tribal jurisdiction to prosecute criminally is lacking, according to the United States Supreme Court, and
- WHEREAS, two supcific recent incidents of crime against the Tribe, by non-Indians, involve reported theft of substantial tribal money by the taking of income from cattle sales by an ex-employee; and theft of significant tribal money by passing "bad" checks to the Tribe in payment of lumber sold, respectively, and
- WHEREAS, the matters of tribal cattle and lumber sales have reportedly been considered within the scope of protection of the "trust responsibility" of the United States Government, and
- WHEREAS, nonetheless in this regard, the Tribal Council is advised that such matters are within the authority of the FBI law enforcement agency, and the FBI intentionally or ineptly does nothing to pursue criminal prosecution, and
- WHEREAS, the Bureau of Indian Affairs' law enforcement agency appears to undertake investigation into such matters, but no criminal prosecution ensues in any event, and
- WHEREAS, the Tribal Council is repeatedly told that one matter or another is not prosecuted by the United States Attorney's Office, Department of Justice, because of some "policy" in said Office, and
- WHEREAS, the Tribal Council, tribal law enforcement officials and tribal judicial representatives have never been consulted in, nor advised of, any such "policy" of the U. S. Attorney, let alone of its reasonableness in application to the times and circumstances on the Fort Apache Indian Reservation, and
- WHEREAS, all of the foregoing has resulted in the vulnerability of the White Mountain Apache Tribe to open and notorious theft of its monies or resources, by non-Indians, with facilitated impunity, and disregard of the trustee United States Government, and
- WHEREAS, the tribe, through tribal officials, are left unprotected to their own means of recourse in such events, excluding the ability to arrest and criminally prosecute such non-Indians on the one hand; and are strictly criticized for resorting to civil seizure of property, for compensation in court, on the other hand.

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FORT APACHE INDIAN

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby demands the respect or regard of the trustee United States Government in defending and protecting the Tribe and tribal members from non-Indian crimes, against which it may not protect itself or its members.

BE IT FURTHER RESOLVED by the Tribal Council that in order to effectuate the purposes of the foregoing resolution, it requests the consideration of the United States' Attorney in meeting with the Tribe, through tribal officials, to review, amend or establish a policy for federal prosecutions of non-Indian crimes occurring on the Fort Apache Indian Reservation which is propitious to the circumstances hereon and the needs of the Tribe.

BE IT FURTHER RESOLVED by the Tribal Council that it requests the cooperation of the FBI, the Bureau of Indian Affairs, the law enforcement personnel therein, and the U. S. Attorney, in dealing with the identifiable non-Indian crimes hereinable generally described, and all such other criminal activity as comparatively undermines the Tribe by destroying both its integrity and its resources.

BE IT FURTHER RESOLVED that in relation to all the foregoing matters, the Tribal Council seeks the supprt of federal officials, including the FBI, the Bureau of Indian Affairs, the Department of Justice, the Secretary of Interior and the Office of the Solicitor, in preparing a plan for presentation to Congressional representatives, which plan would result in the enactment by Congress of legislation giving authority to tribal governments to assist in protecting themselves and their tribal members, through the criminal prosecution of non-Indians.

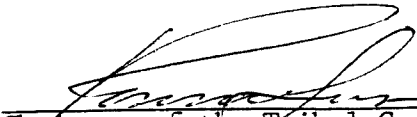
BE IT FURTHER RESOLVED that the Tribal Council authorizes and directs the Tribal Chairman to advise all necessary parties of the substance of this Resolution, for the purpose of fully effectuating its intent and objectives.

The foregoing resolution was on June 5, 1980 duly adopted by a vote of 10 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).

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FORT APACHE INDIAN
AGENCY
WILBERVILLE, ARIZ.


Chairman of the Tribal Council


Secretary of the Tribal Council

Resolution No. 80-178