

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

- WHEREAS, the White Mountain Apache Tribe in 1975 accepted (in Case No. 22-D in the Indian Claims Commission) the sum of \$4.5 million in settlement for millions of acres of land taken from them by the United States - land that had been a part of the Tribal homelands from time immemorial, and
- WHEREAS, the payments made for the lands that were taken fell far short of the real value of the lands - specifically, the copper mines in the Miami-Globe-Superior area and Clifton-Morenci area, which were valued in billions of dollars, and
- WHEREAS, the Trustee United States has consistently followed a policy of inhibiting the development of the Tribe's invaluable water resources in the Salt River watershed, which lies almost entirely on the Fort Apache Indian Reservation - while at the same time expending literally billions of dollars in developing (1) the Salt River Federal Reclamation Project and (2) the Central Arizona Federal Reclamation Project (presently under construction), both of which utilize (or will utilize), without right and against the rights of the White Mountain Apache Tribe, the waters of the Salt River which arise upon the Fort Apache Indian Reservation, and
- WHEREAS, the Department of Justice has offered in settlement \$13.0 million for mismanagement of funds to which the White Mountain Apache Tribe is entitled; for mismanagement of the Tribe's grazing lands; and for mismanagement of the Tribe's timberlands, and
- WHEREAS, from late October 1980, to the present moment, despite every effort, the White Mountain Apache Tribe has been unable to obtain information as to the basis upon which the Department of Justice (a principal agent of the Trustee United States) arrived at the sum of \$13.0 million, which offer of settlement was made contingent upon the agreement (paragraph six) that the "... settlement shall finally dispose of all rights, claims, and demands which the..." White Mountain Apache Tribe has "asserted or could have asserted against..." the United States pursuant to the Indian Claims Commission Act in Docket No. 22-H, and
- WHEREAS, the Tribal Chairman, by letter of February 11, 1981, to the Attorney General of the United States, explained in detail the problems confronting the White Mountain Apache Tribe stemming from the acceptance of the \$13.0 million subject to the waiver of all future tribal claims for damages, as set forth above, and

- WHEREAS, the Attorney General, through his designated representative, responded to the letter of February 11, 1981, by requesting a meeting with the Tribal Chairman, to be held on March 18, 1981, with representatives of the Attorney General, including Mr. Richard Beal, the principal author of the \$13.0 million offer of settlement, and
- WHEREAS, to resolve the dilemma as to acceptance of the \$13.0 million offer and its attached conditions (paragraph 6), the White Mountain Apache Tribal Council directed the Tribal Chairman and Tribal Councilman, Ernie Crocker, to go to Washington, D.C. for the March 18, 1981 meeting, and
- WHEREAS, at that meeting Mr. Beal advised that the \$13.0 million settlement offer included payment in full of all claims for the mismanagement of the Tribal funds up to the year 1980; the mismanagement of grazing lands up to the year 1980; and the mismanagement of forest lands up to the year 1979, and
- WHEREAS, for the first time, the White Mountain Apache Tribe was informed that the "off-sets" did not exceed \$90,000 - despite statements from the Tribal Claims Attorney that it was desirable to accept the \$13.0 million settlement because the Department of Justice was willing to waive potential off-sets totalling as much as \$30.0 million, and
- WHEREAS, the White Mountain Apache Tribe likewise had been led to believe (by the Claims Attorney) that the claims for mismanagement of its timber and grazing lands, as reflected in the \$13.0 million offer, covered the period only up to the year 1946 - whereas, in actual fact they covered the period up to the years 1979 and 1980, respectively, and
- WHEREAS, the representatives of the Department of Justice stated at the meeting of March 18, 1981, (and thereafter) that they would recommend to the Department of Justice that paragraph six of the October 28, 1980, offer of settlement be amended to exclude the claims of the White Mountain Apache Tribe for mismanagement of its timber and its grazing land, and would also exclude from the claim the Tribe's assertion of title to approximately 14,000 acres of land erroneously located in the Sitgreaves and Apache National Forests, along with claims for harvesting of timber and collection of grazing fees by the Forest Service on the 14,000 acres.

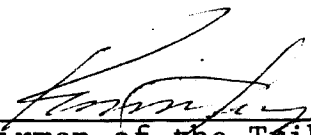
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Tribal Chairman to take the following actions:


1. To obtain from the Department of Justice a written statement (confirming previous verbal statements) that the proposed claims settlement of \$13.0 million will remain open for a period of six (6) months from the present date so as to permit further investigation by the White Mountain Apache Tribe into all aspects of the basis of settlement proposed by the Department of Justice.
2. To request that the Tribal Claims Attorney supply a line-item report of all claims of the White Mountain Apache Tribe in the categories of (1) mismanagement of tribal and individual funds; (2) mismanagement of tribal timber resources; (3) mismanagement of tribal grazing lands; and FURTHER, to supply the Tribe with a recap (by year) of all elements encompassed within each line item - separating the interest-bearing accounts from the non-interest bearing accounts; and
3. To utilize the services of Arthur Young and Company in performing the necessary audits and investigations to identify all sources of funds involved in Docket No. 22-H, including (but not limited to) the so-far unknown sources of funds underlying the proposed \$13.0 million settlement; and in addition to define other tribal interests involved in the proposed settlement.

The foregoing resolution was on April 01, 1981 duly adopted by a vote of 10 for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (f & 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
WHITERIVER, ARIZ.


Chairman of the Tribal Council


Secretary of the Tribal Council