

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


- WHEREAS, the White Mountain Apache Tribe has been advised by the U.S. Justice Department, representing the United States of America, that the offer of settlement reference Docket 22-H will expire in October of 1982 and that the Justice Department desires a reply from the Tribal Council of the White Mountain Apache Tribe reference acceptance or rejection of the offer of settlement of the claims of the Tribe set forth in Docket 22-H against the United States of America; and
- WHEREAS, the Tribal Council, by previous Resolution No. 82-61 and 82-16, requested additional time from the Justice Department in order to obtain certain expert reports pertaining to grazing and timber mismanagement as well as mismanagement of tribal monies so that the Tribal Council could make a knowledgeable determination as to the fairness of the United States' offer of settlement in Docket 22-H; and
- WHEREAS, the White Mountain Apache Tribe has endeavored to determine at the tribe's considerable time and expense, the factual bases for the United States' offer of settlement but has been continually frustrated in its attempts due to the reluctance of its former tribal claims attorneys to adequately brief the tribe and explain to the Tribal Council the factual bases for the offer of settlement; and
- WHEREAS, the former tribal claims attorneys Weissbrodt and Weissbrodt have invited the Tribal Council and its attorneys and representatives to review the supporting documents for 22-H which are located in the law offices of Weissbrodt and Weissbrodt in Washington, D.C. but said invitation is insufficient in that it compels the tribe to expend great expense and time to rework the entire case; and
- WHEREAS, great time and expense could be spared the White Mountain Apache Tribe if the former claims attorneys, Weissbrodt and Weissbrodt, would provide information and answers to certain areas of research, which they are knowledgeable of, in the accounting claim and timber and grazing mismanagement claim, which have been investigated by an archivist hired by the Tribal Council to research 22-H; and
- WHEREAS, the Tribal Council is confident that if this information could be promptly obtained from the former claims attorneys in the form of responses to questions, the Tribal Council would be able to determine whether or not to accept or make an offer of settlement on the accounting aspect of 22-H, as the investigation has already accomplished part of this goal; and
- WHEREAS, the Tribal Council has been advised that there may be as much as \$75,000 on reserve in the United States Treasury for use by the tribe to hire experts to assist the tribe in preparation of its claims in 22-H; and
- WHEREAS, the Tribal Council is further advised that a contract must be drafted between the tribe and any expert that it wishes to employ to research claims in connection with 22-H; and

- WHEREAS, the Tribal Council wishes to enter into a contract with John T. McAvoy for the purpose of conducting further research from B.I.A. and archives documents reference the tribe's accounting, timber and grazing claims against the United States. Said contract to be limited to \$15,000; and
- WHEREAS, the Tribal Council hereby directs the Tribal Attorney to draft such a contract so that the research and negotiations may continue on 22-H forthwith; and
- WHEREAS, on previous occasions the Tribal Council has been advised by the Justice Department that it would only consider a settlement of all of the claims in 22-H and would not separate out the accounting claim or timber or grazing claim; and
- WHEREAS, the Tribal Council does not believe that such a policy constitutes fair and honorable dealings with the White Mountain Apache Tribe as it is forcing the tribe to a premature settlement of all aspects of the case to its detriment; and
- WHEREAS, the Tribal Council, in good faith, believes that the accounting aspect of the case can be settled after the former claims attorneys respond to written questions reference search and research that they conducted in the accounting claims and after Mr. McAvoy completes his research, which they estimate will take a maximum of 30 to 60 days; and
- WHEREAS, the Tribal Council has been advised by its present claims attorney, Robert C. Brauchli, that additional extensive investigation has proceeded reference the mismanagement of grazing lands claims but that further investigation as to the measurable damages resulting therefrom and the source and degree of the damage must be further developed but that money is available for said purpose; and
- WHEREAS, the Tribal Council further believes, in good faith, that the timber mismanagement claim of the tribe can be developed in considerable detail in the next 60 days so that it can make a final determination as to the fairness of the Justice Department's offer of settlement in 22-H; and
- WHEREAS, the Tribal Council requests that the United States consider the additional cost and time necessary to develop the accounting claim if the tribe is required to litigate the accounting claim because of the Justice Department's policy of only settling all of 22-H rather than separate aspects of the case and that expenditures by the tribe as well as the considerable expenditures that would have to be made by the United States as trustee in the accounting aspect of the case would not be advisable or advantageous to the tribe or the United States.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Attorney to draft a contract between the tribe and John T. McAvoy to continue his research reference Docket 22-H regarding the accounting claims and any other claims which the tribe may direct him to investigate from time to time.


BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs that a copy of this resolution with a letter be sent to Richard Beal, Assistant Attorney General, representing the United States of America in Docket 22-H, requesting that he honor the White Mountain Apache Tribe's decision to complete its research of the accounting aspect of the case within the next 30 to 60 days utilizing the services of John T. McAvoy, Archivist, and the responses of Weissbrodt and Weissbrodt as to certain areas of research which they conducted regarding the accounting claim and to respect the Tribal Council's wishes that it be allowed to further develop the grazing mismanagement claim and the timber mismanagement claim so that it can make a fair determination as to the propriety of settling those aspects of the case known as 22-H.

The foregoing resolution was on October 19 , 1982 duly adopted by a vote of 9 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 (a,b,d,e,f,i,t & u) 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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Chairman of the Tribal Council



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Secretary of the Tribal Council

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AGENCY  
WHITERIVER, ARIZ