

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

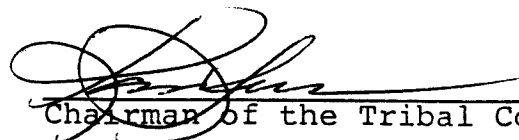
- WHEREAS, the Tribal Council of the White Mountain Apache Tribe has been advised that Judge Christine Nettlesheim, who is presently presiding over Docket 22-H in the United States Claims Court in the case entitled White Mountain Apache Tribe of Arizona vs. United States of America, has issued an order that the testimony of the tribe's expert witnesses and consultants in the area of natural resource mismanagement must be reduced to written report form and be submitted to the attorneys for the Justice Department some five months before trial; and
- WHEREAS, the Tribal Council is further advised that Judge Nettlesheim has further indicated that only two weeks will be allowed for a trial in August of 1984 of all of the tribe's claims against the United States of America; and
- WHEREAS, the Tribal Council concludes as a result of these judicial orders as well as numerous other examples of her anti-Indian bias of Judge Nettlesheim in the Docket 22-H proceedings that the White Mountain Apache Tribe cannot receive a just, fair and equitable trial of its claims against the United States of America for mismanagement of its tribal funds, grazing and timber lands as long as Judge Nettlesheim presides over the case; and
- WHEREAS, the Tribal Council further concludes that the only avenue by which the White Mountain Apache Tribe can obtain a fair and just hearing of its claims against the defendant trustee United States of America is for Judge Nettlesheim to voluntarily remove herself or be removed by motion so that another judge can be appointed to preside over the case without the anti-Indian bias to date demonstrated by Judge Nettlesheim.
- BE IT RESOLVED BY the Tribal Council of the White Mountain Apache Tribe that it hereby concludes based upon a review of the court orders and proceedings to date that the White Mountain Apache Tribe cannot receive

a fair, just and equitable hearing of its claims against the defendant trustee United States of America now pending in Docket 22-H if Judge Christine Netteshiem continues to preside over those proceedings.

BE IT FURTHER RESOLVED BY the Tribal Council of the White Mountain Apache Tribe that it hereby requests that Judge Christine Netteshiem voluntarily remove herself as the presiding Judge over the Docket 22-H proceedings so that a substitute Judge may be appointed to preside over the case.

BE IT FURTHER RESOLVED BY the Tribal Council of the White Mountain Apache Tribe that it hereby directs its Attorneys of Record in Docket 22-H to file any and all appropriate legal motions to obtain the removal of Judge Christine Netteshiem as the presiding judge over the Docket 22-H proceedings now pending in the United States Claims Court so that the White Mountain Apache Tribe can receive a fair, just and honorable trial of its mismanagement claims against the defendant trustee United States.

The foregoing resolution was on December 14, 1983 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 (f, h, 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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FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.

RESOLUTION NO. 83-344