

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

- WHEREAS, the White Mountain Apache Tribe has filed a complaint for mismanagement of its natural resources against the United States of America in the U. S. District Court for the District of Arizona, and
- WHEREAS, the complaint further alleges that the Secretary of the Interior as the principal agent for the trustee United States and the Attorney General of the United States, cannot represent the White Mountain Apache Tribe in any water rights litigation because of the conflicts of interest which permeate their relationship with the White Mountain Apache Tribe, and
- WHEREAS, the U. S. Supreme Court has recognized that the Federal Courts should retain jurisdiction to determine questions not decided by the Supreme Court in the Northern Cheyenne vs. Adsit cases such as conflict of interest issues and the adequacy of the said court proceedings, and
- WHEREAS, the U. S. District Court of Arizona has indicated that it may exercise jurisdiction over the conflict of issue questions, and issues of mismanagement of tribal lands which will have an impact on the W-1 proceedings now pending before Judge Stanley Goodfarb in the Maricopa County Superior Court, and
- WHEREAS, Judge Muecke of the U. S. District Court in Phoenix has suggested that the Justice Department and the White Mountain Apache Tribe approach Judge Goodfarb with a suggestion that proceedings pertaining to the White Mountain Apache Tribe be stayed pending Judge Muecke's determination of some of the issues raised by the Tribe's complaint and the Federal Government's motion to dismiss, and
- WHEREAS, Judge Goodfarb has issued an opinion in denying certain motions to dismiss which indicates that he will exercise jurisdiction in the area of conflict of interest between the Secretary of the Interior and the Tribe, will rule on the adequacy of the State Court proceedings and will make a determination whether or not the proceedings before him are within the jurisdiction of the McCarron Act, all of which are well beyond Judge Goodfarb's jurisdictional powers and outside the purview of the U. S. Supreme Court's mandate in the Northern Cheyenne vs. Adsit cases, and
- WHEREAS, the Tribal Council concludes that if Judge Goodfarb proceeds to set a deadline for the White Mountain Apache Tribe to file a claim for water rights in the W-1 proceedings, the Tribe will suffer irreparable harm and injury to its water rights.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Special Counsel, William H. Veeder to take any and all necessary legal steps to enjoin Judge Goodfarb from proceeding with the W-1 litigation against the White Mountain Apache Tribe until such time as the Tribe's case now pending before Judge Muecke is resolved.

The foregoing resolution was on April 17, 1984 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 (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

RECEIVED

APR 27 1984

FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.


Secretary of the Tribal Council