

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

- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe, pursuant to Resolution No. 12-91-333 enacted December 9, 1991 made a firm offer to settle the accounting phase of Docket 22-H now pending before the United States Claims Court for the sum of \$10 million dollars; and
- WHEREAS,** said offer specifically excluded from settlement, tribal claims arising from seizure by the United States Government of the tribe's water resources, expropriation of 16,000 acres lying within the Executive Order boundaries of the reservation, mismanagement of the tribe's grazing rangelands, forests, erosion and general mismanagement of the tribe's natural resources; and
- WHEREAS,** subsequent to delivery of the foregoing resolution to the Claims Court and the United States Department of Justice which is defending and representing the Defendant Trustee, United States of America, the Tribal Council and Tribal Chairman met at various times with Justice Department officials and the Court to discuss a response to the Council's offer of settlement; and
- WHEREAS,** to date, the United States Department of Justice has not responded in kind to the Tribal Council's resolution of December 9, 1991 but as late as January 8, 1992 through its trial attorney, James M. Upton, has only expressed a willingness to recommend that a global settlement of Docket No. 22-H in the amount of \$15 million dollars be approved by those Department of Justice officials with the requisite approval authority; and
- WHEREAS,** subsequent to that letter, the Tribal Chairman met with Mr. Upton, the trial attorney for the United States Department of Justice, who reiterated the position set forth in his letter of January 8, 1992. Mr. Upton again reaffirmed that equivocal position in his January 17, 1992 letter to Mr. Veeder, Tribe's Counsel.
- WHEREAS,** the Tribal Council, irrespective of the failure of the Department of Justice to respond to the Tribe's December 9, 1991 Resolution, has thoroughly discussed Mr. Upton's statement that he would recommend a settlement of \$15 million dollars, and rejects that \$15 million-dollar offer for the reason that it falls far short of compensating the Tribe for the vast and irreparable

damages done by agents of the Defendant Trustee United States of America to the Tribal rangelands, timber resource and for seizure by the United States of the Tribe's reserved water rights and further that acceptance of the Justice Department's response would effectively preclude the tribe from pursuing a viable appeal of its natural resource mismanagement claims, its claim for 16,000 acres, which although remaining within reservation boundaries designated by Executive Order, nevertheless, have been converted by the United States Government for its own use and benefit, and would jeopardize legislation the Tribe plans to introduce this year in respect to settlement of its water right claims and for restoration of its natural resources which have been mismanaged and greatly diminished in value by the principal agent of the Trustee United States, the Bureau of Indian Affairs; and

WHEREAS, Mr. Veeder has intensively reviewed the Defendant Trustee United States' alleged 1975 Accounting Report and the tens of thousands of pages of documentation offered by Defendant Trustee United States of America at the recent trial on the merits, to buttress the 1975 Accounting Report and has concluded that, due to the failure of the Defendant Trustee United States of America properly to maintain records of receipts and disbursements of Plaintiff Tribe's funds, the Defendant Trustee United States has not and indeed cannot render an accurate, adequate, reliable, and final accounting respecting the Tribe's funds which the Defendant Trustee United States has largely wasted and dissipated, which issue will be of paramount importance in the forthcoming continuation of the trial on March 9, 1992; and

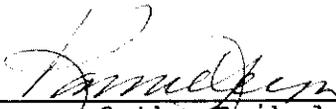
WHEREAS, based on the foregoing, the Tribal Council concludes that the tribe's claims attorney, William H. Veeder should proceed forthwith to complete the accounting trial and to appeal the earlier decision of the U.S. Claims Court respecting the natural resource claims of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby rejects the "recommendation" or 'suggestion of settlement' proposed by the Department of Justice through its trial attorney, James M. Upton, to settle all claims arising under the Indian Claims Act of 1946.

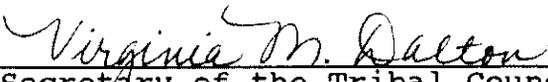
BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs its attorney, William H. Veeder to proceed with the accounting phase of the trial set for March 1992 and to appeal the earlier decision of the Claims Court in respect to the Tribe's natural resource mismanagement claims.

BE IT FURTHER RESOLVED by the Tribal Council that it further instructs Mr. Veeder to continue his preparation of federal legislation to settle the tribe's water claims and for a restitution adequate to restore the tribe's farmlands, rangeland, timber resources, which have been so gravely diminished due to mismanagement and negligence of the principal agent of the Defendant Trustee United States of America, the Bureau of Indian Affairs.

The foregoing resolution was on February 06, 1992, duly adopted by a vote of NINE 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 (a), (f), (i), and (u) of the Amended Constitution and Bylaws 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, ARIZONA