

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

WHEREAS, the White Mountain Apache Tribe recognizes the need for legal services on the Fort Apache Indian Reservation for low-income defendants to promote fair and effective legal representation; and

WHEREAS, there is no White Mountain Apache Public Defender office; and

WHEREAS, the White Mountain Apache Tribe wishes to apply to the Public Welfare Foundation for funds to establish a White Mountain Apache Public Defender office.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Tribal Prosecutor's Office to submit a letter of inquiry to the Public Welfare Foundation for funds to establish a White Mountain Apache Public Defender Office, and to submit a full application upon request of the Public Welfare Foundation.

The foregoing resolution was on September 27, 1995, 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 IV, Section 1 (a), (b), (i), (j), (k), (m), (q), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

ACTING

OCT 04 1995

LETTER OF INQUIRY
PUBLIC WELFARE FOUNDATION

ORGANIZATION : White Mountain Apache Tribe
ADDRESS : P.O. Box 700, Whiteriver, AZ 85941
CONTACT PERSON : Cheryl Martin, Tribal Prosecutor
TELEPHONE NO. : (520) 338-4346 ext. 409

MISSION

The White Mountain Apache Tribe seeks to develop a Tribal Defender Office to serve indigent Apache tribal members accused of committing criminal offenses and child neglect on the Fort Apache Indian Reservation.

PURPOSE

There is no Tribal Defender Office, therefore, the vast majority of criminal defendants are required to represent themselves. A Tribal Defender would enable indigent Apache tribal members to receive legal representation at no cost.

RELATIONSHIP OF REQUEST TO MISSION

The Apache tribal members presently accused of committing criminal offenses must either represent themselves, hire an Attorney, or hire a Tribal Advocate.

ORGANIZATIONAL BUDGET 1996

PUBLIC DEFENDER	\$40,000.00
ADMINISTRATIVE ASSISTANT/ADVOCATE	\$19,000.00
PAYROLL TAXES/BENEFITS (.28%)	\$16,520.00
TRAVEL/TRAINING	\$ 2,000.00
EQUIPMENT	\$ 4,500.00
MEMBERSHIP/SUBSCRIPTION	\$ 2,000.00
TELEPHONE	\$ 2,000.00
OFFICE SUPPLIES	\$ 1,500.00
BOOKS/LIBRARY	\$ 7,500.00
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	\$95,020.00
 <u>IN-KIND CONTRIBUTION</u>	
OFFICE SPACE	\$10,000.00
FURNITURE	\$ 6,000.00
POSTAGE	\$ 1,000.00
UTILITIES	\$ 3,000.00
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	\$20,000.00
 <u>AMOUNT REQUESTED</u>	 \$95,020.00

Time Frame: January 1, 1996 - December 31, 1996

NARRATIVE

The population of the White Mountain Apache Tribe totals approximately 14,500 Indian and non-Indians, approximately 12,000 of which are enrolled as tribal members. Membership is based on a constitutional requirement for an individual to meet the Indian and White Mountain Apache blood quantum to be enrolled. Approximately 2,000 are from other Indian tribes, primarily Navajo, and the remaining residents are non-Indians employed by the Tribe, the Indian Health Service, and the Bureau of Indian Affairs.

According to the latest census data the median income for males on the reservation is \$4,400 per year, and for females, \$2,800 per year. In excess of 50% (52.7) of the households fall below the U.S. poverty line.

The records of the Tribal Prosecution Unit indicate that in the first 6 months of 1995 a total of 287 adult criminal complaints and 460 juvenile criminal complaints were handled by that office. An additional 104 neglect petitions were filed. Only three (3) adult cases were represented by licensed defense attorneys. According to the best information available two (2) adult criminal cases were handled by Legal Aid, which the Prosecution Unit has been advised is no longer accepting new cases and will close its doors in December 1995. An additional twenty-three (23) adult criminal cases were handled by tribal advocates who are not licensed attorneys.

The Indian Civil Rights Act provides that a person is entitled, at his own expense, to have assistance of counsel for his defense. (Emphasis added). The vast majority of Indian people residing on the Fort Apache Indian Reservation do not have the economic resources to retain legal counsel. Therefore, the vast majority must represent themselves.

A Public Defender office would promote fair and effective legal representation for low income tribal members residing on the Fort Apache Indian Reservation through the development of standard procedures, implemented by a trained attorney, that would meet the special legal needs of the Apache people.