

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

WHEREAS, the Tribal Council of the White Mountain Apache Tribe adopted prior Resolution No. 11-95-354 on November 9, 1995 which outlined its recommendation that judgment funds in Docket No. 22-H before the U.S. Court of Federal Claims be distributed as follows:

Eighty percent (80%) in the form of a per capita distribution in equal shares to Tribal Members or to individual descendants in accordance with the requirements of 25 U.S.C. 1401, *et seq.* and 25 C.F.R. §87.1-87.12, as amended, and twenty percent (20%) of the judgment funds, including investment income thereon, to be used to establish a perpetual and permanent White Mountain Apache Land Restoration Fund as described in the Resolution; and

WHEREAS, approximately twenty percent (20%) of the 22-H judgment was awarded for mismanagement of the Tribe's grazing lands and forests, and the balance of the judgment was for mismanagement of tribal monies, including Indian Monies, Proceeds of Labor [IMPL]; and

WHEREAS, the Tribal Council concluded that a per capita distribution would provide Tribal Members some compensation for waiting almost fifty years for reimbursement of monies that were misappropriated by agents of the Trustee United States; and

WHEREAS, the judgment in Docket 22-H represents only a small fraction of restitution morally owed for the untold millions of dollars of damage done to tribal lands and forests and for denied economic opportunities for Tribal Members due to the misappropriation and negligent allocation of tribal monies and IMPL funds; and

WHEREAS, the Tribal Council has been strongly advised by the membership of the Tribe that it expects a 80-20 distribution of Docket 22-H judgment funds; and

WHEREAS, in accordance with the Code of Federal Regulations, the Bureau of Indian Affairs Central Office, specifically, the Director of the Office of Tribal Services, has conducted a Research Report of Judgment Funds to the White Mountain Apache Tribe in Docket 22-H and has submitted said report to the Superintendent of the Fort Apache Agency; and

WHEREAS, the Phoenix Area Director of the Bureau of Indian Affairs has directed the Superintendent of the Fort Apache Agency to formally meet with the Tribal Council and review with the Council the contents of the Research Report which has been done this date; and

WHEREAS, the Tribal Council has reviewed the results of the Research Report and agrees with its finding that the White Mountain Apache Tribe is the beneficiary entity of the \$22,123,247.32 judgment in Docket 22-H and that the White Mountain Apache Tribe is the rightful historical, cultural and political heir of the Petitioner in Docket 22-H before the Indian Claims Commission, the United States Court of Claims and, finally, to the United States Claims Court, pursuant to the Federal Courts Improvement Act of 1982, 96 Stat. 58; and

WHEREAS, said Research Report in the section entitled "**Development of a Secretarial Plan**" strongly recommended that the total amount of award be used for programs administered by the White Mountain Apache Tribe in consideration of the current economic and budgetary conditions faced by the federal government; and

WHEREAS, the Tribal Council disagrees with said recommendation because the judgment in Docket 22-H represents a damage award against the Trustee United States of long standing grievances for mismanagement of the Tribe's grazing lands, forests and Tribal funds and represents only a small percentage of the restitution morally due for damages done to the Reservation; and

WHEREAS, the consequential economic injury therefrom will continue for generations to come; and

WHEREAS, for the foregoing reasons, the Tribal Council disagrees with and opposes the recommendation of the Bureau of Indian Affairs which would require the Tribe to fund the trust obligations of the very party which has caused ongoing injury to the Tribe and its Members for over a century.

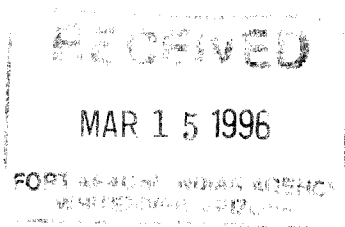
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby acknowledges receipt and review of the Results of Research Report of Judgment Funds to the White Mountain Apache Tribe of Arizona in Docket No. 22-H before the U.S. Court of Federal Claims, prepared by the Bureau of Indian Affairs Office of Tribal Services in Washington, D.C.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby generally accepts the contents of said Report and specifically agrees and accepts the identification and designation of the White Mountain Apache Tribe as the beneficiary entity of the \$22,123,247.32 judgment in Docket No. 22-H and that the White Mountain Apache Tribe is the historical, cultural and political heir of the Petitioner in Docket 22-H which suffered the loss and presented the claim before the Indian Claims Commission and the U.S. Claims Court.


BE IT FURTHER RESOLVED by the Tribal Council for reasons presented above in this Resolution, that it hereby disagrees with the recommendation of the Bureau of Indian Affairs Office of Tribal Services that the total amount of the award be used for programs administered by the White Mountain Apache Tribe; and, in addition, states that the establishment of a permanent trust fund for the restoration of Tribal lands will do more for the repair of riparian and watershed areas destroyed by the Trustee United States in prior years than funding the Trustee United States government's federal programs.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby requests that the Superintendent of the Fort Apache Agency deliver a copy of this Resolution to the Deputy Commissioner of Indian Affairs and the Bureau of Indian Affairs Office of Tribal Services in Washington, D.C.

The foregoing resolution was on March 5, 1996 duly adopted by a vote of eleven 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), (c), (f), (g), (h), (i), (k), (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