

**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 requested by the United States Attorney for the District of Arizona, Janet Napolitano, for its views on how to improve law enforcement and criminal justice in Indian Country; and
- WHEREAS,** on June 28, 1996, the U.S. Attorney General's office of Tribal Justice has requested input from Tribes on the possibility of the Department of Justice assuming responsibility for both law enforcement and Tribal Court functions in Indian Country; and
- WHEREAS,** Tribal response to that proposition indicated that the Department of Justice could help strengthen the administration of Tribal Courts most effectively by not taking a direct role in Tribal Court administration but by expanding assistance under the Department of Justice's existing Tribal Courts project; and
- WHEREAS,** the Tribal Council acknowledges the benefits that have been achieved from participation in the Tribal Courts project of the Department of Justice which advocates direct funding of Tribal Courts for the addition of personnel for the administration of Tribal courts; and
- WHEREAS,** it is the experience of the White Mountain Apache Tribe and many other Tribes throughout Indian Country that direct funding to the Tribes is the best vehicle to achieve self determination and self government by Indian Tribes; and
- WHEREAS,** the Tribal Council is well aware of criticism in Congress of the BIA's mishandling of funds earmarked for Tribal Programs and Departments, but nevertheless believes that shifting the funding source to the Department of Justice will not necessarily remedy the problem and only direct funding to Tribes at sufficient levels will resolve the dilemma facing many Tribes with respect to adequate Tribal Court and law enforcement funding on reservations; and
- WHEREAS,** as an example, the current federal funding for the Whiteriver Police Department is less than sixty percent of need and the level of need is based upon standards at least twenty years old, and
- WHEREAS,** additional direct funding from Congress through the Department of Interior directly to the Whiteriver Tribal Police Department will allow the Police Department to train and retain well qualified police officers and other personnel for effective law enforcement on the reservation; and

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- WHEREAS,** on the Fort Apache Indian Reservation the uniqueness of the language and culture is best served by a police department that is well versed in the culture and language and understands the issues of law enforcement particular to the Apache culture; and
- WHEREAS,** the Tribal Council is concerned that transferring law enforcement responsibilities from the Department of Interior, which is well versed in its trust responsibilities, to the Department of Justice, which has often advocated a very narrow view of the United States' Trust Responsibility to Tribes, will not be beneficial to Tribes in the long term and may facilitate a future transfer of Tribal Court functions to the Department of Justice which will denigrate rather than enhance the development of the third branch of government on Indian reservations and will not serve self determination and sovereignty goals of Tribal governments; and
- WHEREAS,** historically, the Department of Justice has opposed the White Mountain Apache Tribe and other Tribes in Indian claims cases and has been aggressive in opposing Tribal views of the scope of the Trust Responsibility; and
- WHEREAS,** the Tribal Council presently does not agree with the water rights legal strategy of the Department of Justice in respect to the water rights of the White Mountain Apache Tribe; and
- WHEREAS,** the Council is further concerned about the conflict of interest within the Department of Justice which would require the Department to exercise its discretionary judgement as the Attorney for the United States Government in the funding of Tribal Police Departments; and
- WHEREAS,** the discretionary judgement of the Department of Justice as Attorney for the United States of America is not readily subject to judicial review, whereas breaches of trust responsibilities by the Department of Interior are subject to judicial review.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby opposes the transfer of the three major law enforcement programs in BIA (criminal investigations, uniform police, and detention services) to a new Indian Country investigative service under the Department of Justice.
- BE IT FURTHER RESOLVED** by the Tribal Council that it would be willing to discuss further consolidation of the three major law enforcement programs under the line and budgetary authority of BIA's Office of Law Enforcement Services, with technical assistance and training from the Department of Justice to implement such a program and wishes to have further opportunities to discuss the impact of such consolidation on the White Mountain Apache Tribe.

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BE IT FURTHER RESOLVED by the Tribal Council that it is willing to explore other suggestions and proposals for the improvement of law enforcement on Indian Reservations, but wishes to emphasize that the ultimate solution is adequate funding of Tribal Police Departments and Court systems rather than transferring that obligation from the Department of Interior to the Department of Justice .

The foregoing resolution was on September 11, 1997 duly adopted by a vote of eight for and one against and one abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (c), (i), (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).

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WHITE MOUNTAIN APACHE TRIBE
Tribal Council


Chairman of the Tribal Council


Secretary of the Tribal Council