



Resolution No. 07-2006-234

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

(Supporting the Havasupai Indian Tribe's Lawsuit against Arizona State University)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, a delegation from Havasupai did this day make a presentation to the Tribal Council concerning the Havasupai Indian Tribe's lawsuit against Arizona State University, alleging, among other things, fraud, negligence and infliction of emotional distress and dignitary harm; and

WHEREAS, the Havasupai allege in their lawsuit that ASU inappropriately used blood samples (originally taken to study diabetes prevention and treatment) to conduct unauthorized research on schizophrenia and inbreeding; and

WHEREAS, the Havasupai further allege that ASU used these blood samples to attempt to prove that the Havasupai and all American Indians are not indigenous to the North American Continent, but are the descendants of an Asian migratory population, which is contrary to the traditional spiritual beliefs of Havasupai; and

WHEREAS, the Havasupai further allege that ASU never informed the Havasupai Indian Tribe or Havasupai members that their blood samples would be used for any purpose other than diabetes prevention and treatment; and

WHEREAS, the Havasupai further allege that ASU intentionally deceived Havasupai in order to obtain access to Havasupai's genetic information, thereby enriching ASU researchers and their affiliates, and depriving the Havasupai of any benefit from said research; and

WHEREAS, Havasupai represents that its lawsuit against ASU is a case of first impression with implications for the rights of all Indian Tribes, and the Havasupai are seeking support, both in the form of resolutions and financial assistance to the Havasupai Indian Tribe Legal Defense Fund; and

WHEREAS, the Legal Department does have a budget to support litigation in the Tribe's best interests and \$5,000 is an appropriate contribution; and

WHEREAS, the Tribal Council finds that Havasupai's lawsuit should be supported and that such support is in the best interest of the Tribe.

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BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the White Mountain Apache Tribe hereby supports the Havasupai Indian Tribe's efforts to protect Havasupai tribal members against ASU's unauthorized research on Havasupai blood.

BE IT FURTHER RESOLVED by the Tribal Council that:

1. The Governor and the Attorney General of the State of Arizona is hereby requested to investigate the claims of the Havasupai Indian Tribe and to confer with the Arizona Board of Regents to ensure that the Havasupai's claims are addressed promptly and appropriately.
2. The Arizona Board of Regents and the President of Arizona State University is hereby requested to publicly address the Havasupai's claims by compensating and/or otherwise remedying any and all injuries to the Tribe and its members and by returning any benefits received by ASU or its affiliates resulting from unauthorized genetic research.

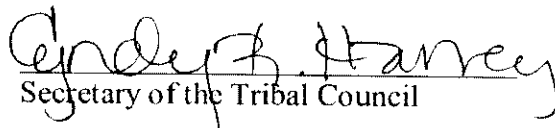
BE IT FINALLY RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

1. The Legal Department is hereby directed to submit a contribution of \$5,000 from its budget to the Havasupai Indian Tribe Legal Defense Fund, and provide such other legal assistance as may be required.
2. The Chairman, or in his absence the Vice-Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on July 13, 2006, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (g), (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