



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Support for the Tribal Labor Sovereignty Act of 2015, S. 248)**

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**WHEREAS,** the White Mountain Apache Tribe regulates labor relations within its reservation homeland as an essential governmental function; and

**WHEREAS,** the White Mountain Apache Tribe has, since the adoption of its founding Constitution and By-Laws in 1938, and as amended since then, has regulated labor and businesses and all enterprises, private or tribal within the reservation; and

**WHEREAS,** the White Mountain Apache Tribe has historically opposed intrusion by unions into the reservation as a violation of its sovereignty and as being contrary to its long-standing government to government relationship with the United States as a federally recognized Indian tribe and government; and

**WHEREAS,** the White Mountain Apache Tribe opposed unionization efforts at its Fort Apache Timber Company sawmill in the 1970s which resulted in a favorable decision by the National Labor Relations Board (NLRB) in FATCO 226 NLRB 503 (1976), wherein the NLRB held that the tribal government of the White Mountain Apache Tribe which owned and operated the sawmill was included in the exemption of federal, state, county and city governments from the application of the National Labor Relations Act (NLRA); and

**WHEREAS,** the White Mountain Apache Tribe has become aware that beginning in 2000 the NLRB has begun to interpret the NLRA's silence regarding the exemption of tribal governments to mean that the statute was intended to cover Indian tribes and tribal enterprises; and

**WHEREAS,** the White Mountain Apache Tribe disagrees with the recent interpretation of the NLRA by the NLRB and opposes how the NLRB is applying the NLRA to tribal governments and enterprises throughout Indian country; and

**WHEREAS,** the White Mountain Apache Tribe is advised that S. 248, entitled the "Tribal Labor Sovereignty Act of 2015" has been introduced in the Senate and in the House as H.R. 511, and that the bill would clarify the rights of tribal governments under the NLRA by expressly including tribal governments and tribal enterprises as exempt from the NLRA like federal, state, county and city governments; and

**WHEREAS,** the National Congress of American Indians has urged tribes to ask Members of Congress to co-sponsor and to support the Tribal Labor Sovereignty Act of 2015, and

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the Tribal Council of the White Mountain Apache Tribe is likewise in strong support of this much-needed legislation to protect the inherent sovereignty and constitutional authority of Indian tribal governments to regulate labor relations, businesses, economic development, and enterprises within their respective reservations, and finds that S.248 is necessary in order to stop harassment of tribal governments and their enterprises from vexatious litigation and from the application of the NLRA by the NLRB to tribal governments and enterprises.

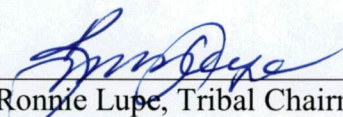
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby unequivocally supports S. 248 and H.R. 511, the Tribal Labor Sovereignty Act of 2015.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that a copy of this resolution with an appropriate cover letter be sent to the Arizona Congressional Delegation, and specifically, to the Tribe's congressional representative, Congresswoman Ann Kirkpatrick, respectfully requesting that she and other members of the Arizona Congressional delegation co-sponsor the Tribal Labor Sovereignty Act of 2015 in both Houses.

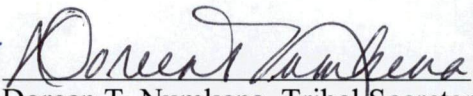
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on MAY 19, 2015 duly adopted by a vote of EIGHT for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
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Ronnie Lupe, Tribal Chairman

5/27/15  
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Date

  
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Doreen T. Numkena, Tribal Secretary

5-27-2015  
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Date