

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

- WHEREAS, the offer of settlement tendered by the United States of America to the White Mountain Apache Tribe, in the case entitled White Mountain Apache Tribe vs the United States of America, before the Court of Claims and known more commonly as Docket 22-H, is due to expire on March 15, 1982; and
- WHEREAS, the Tribal Council has been advised by the Tribal Attorney, Robert C. Brauchli, the attorneys for the United States of America have so far rejected any partial settlement of the claims of the White Mountain Apache Tribe against the United States of America set forth in 22-H; and
- WHEREAS, the Tribal Council has been further advised by the Tribal Attorney, that the attorneys for the United States of America have tendered an offer of settlement in the amount of thirteen million dollars (\$13,000,000.00), which would exclude any tribal claim for water rights or the loss thereof and any tribal claim for the recovery of approximately 14,000 acres which the White Mountain Apache Tribe maintains was incorrectly omitted from the Fort Apache Indian Reservation; and
- WHEREAS, the claims against the United States of America include, but are not necessarily limited to, claims for an accounting of tribal funds and the wrongful disbursement and misappropriation of such tribal funds by the United States of America and also includes claims for mismanagement of grazing lands and tribal timber and the incidental and consequential damages resulting from mismanagement of said natural resources; and
- WHEREAS, the Tribal Council although not necessarily adverse to a settlement upon the terms tendered by the United States of America, is nevertheless aware of its grave responsibility toward the people of the White Mountain Apache Tribe to insure that the offer of settlement tendered by the United States of America represents the full measure of the government's obligation to the tribal people pursuant to the Indian Claims Commission Act 1946; and
- WHEREAS, because of this grave responsibility, the Tribal Council is of the opinion that it needs additional time in which to review the offer tendered by the United States of America before it can, in good faith, recommend acceptance thereof to the tribal people; and
- WHEREAS, considerable effort has already been undertaken to investigate the advisability of accepting a partial settlement of the

accounting claims against the United States of America;
and

WHEREAS, the Tribal Council is still of the earnest belief that unnecessary litigation, time, and expense to be incurred by both the Tribe and the United States of America could be avoided by a partial settlement of the accounting claim prior to any consideration of settlement or litigation of the claims pertaining to natural resources, to wit; but not limited to grazing and timber mismanagement; and

WHEREAS, the Tribal Council is of the opinion that good faith dealings required by the United States of America with the Indian People requires, also good faith negotiation of claims filed by Indian Tribes pursuant to the Indian Claims Commission Act of 1946; and

WHEREAS, the Tribal Council further concludes that good faith dealings would require that the United States of America reconsider its rejection of a partial settlement of the claims filed by the Tribe and further, that in order for the Tribal Council to properly evaluate its claims against the United States of America in light of the United States' offer of settlement, it will be necessary to request a six (6) month extension of time in which to accept the government's offer in order to review expert reports pertaining to timber and grazing mismanagement claims as well as the accounting claim; and

WHEREAS, the Tribal Council has been advised that the United States of America has had prepared various reports by experts pertaining to the tribe's claims for mismanagement of timber and grazing lands as well as accounting claims and further that the former claims attorneys for the tribe, Weissbrodt & Weissbrodt have likewise prepared expert reports in support of the tribe's claims against the United States; and

WHEREAS, the tribe is presently not in possession of any of these reports but of necessity must come into possession of the same in order to properly evaluate the offer of settlement tendered by the United States; and

WHEREAS, the Tribal Council wishes independent review of these expert reports and the underlying data in support thereof; and

WHEREAS, in the interim, the Tribal Council wishes to appeal the decision of the attorneys for the United States who have rejected any partial settlement of the tribe's claims against the United States, as good cause appears to the Tribal Council for such a partial settlement.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Attorney to contact Mr. Richard Beal, Assistant United States Attorney and Chief of The Indian Claims Division, who represents the United States of

America in Docket 22-H for the purpose of requesting extension of time to consider the United States offer of settlement for a period of six (6) months to commence April 1, 1982; said offer to expire on October 1, 1982.


BE IT FURTHER RESOLVED that the Tribal Council directs the Tribal Attorney to request from Richard Beal, Assistant United States Attorney, copies of any and all government reports or any other expert reports that he may have in his possession pertaining to accounting claims, grazing and timber mismanagement claims prepared in defense of the United States position of nonliability.

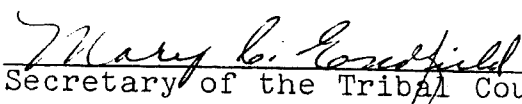
BE IT FURTHER RESOLVED by the Tribal Council that the Tribal Attorney be directed to immediately contact the former claims attorneys for the tribe, Weissbrodt & Weissbrodt, and request of them any and all expert reports pertaining to the accounting claims and claims for mismanagement of tribal grazing and timber properties.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby direct the Tribal Attorney to appeal the decision of the Justice Department denying any partial settlement of the claims of the tribe set forth in 22-H.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Tribal Attorney to request of Weissbrodt & Weissbrodt, any and all records pertaining to 22-H and to arrange for the transfer of said records to Whiteriver, Arizona in order that the tribe can adequately prepare its claims and be able to intelligently review the United States offer of settlement of thirteen million dollars (\$13,000,000.00) with the exclusion of tribal water rights and claims to 14,000 acres erroneously excised from the Reservation.

The foregoing resolution was on March 9, 1982, duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (bdu) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

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FORT APACHE INDIAN
AGENCY
MONTROSE, ARIZ.

Resolution No. 82-61