

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

SUBJECT: Apache Legal Services

- WHEREAS, Apache Legal Aid on the Fort Apache Indian Reservation commenced operation five years ago as a branch office of DNA, Peoples Legal Services; D.N.A. being the acronym for the Navajo phrase "Dinebeiina Nahiilna Be Agabitahé" which means, "Attorneys who contribute to the revitalization of the Navajo People", and
- WHEREAS, DNA is a private corporation which receives its money from the National Legal Services Corporation which is funded directly by Congress, and
- WHEREAS, the DNA Peoples Legal Services has its central office in Window Rock on the Navajo Reservation which provides administrative services for Apache Legal Aid, and
- WHEREAS, it was agreed at the time Apache Legal Aid commenced operation on the Fort Apache Indian Reservation that at the end of five years, DNA would assist the White Mountain Apache Tribe in the establishment of an independent Apache Legal Services to be funded by the National Legal Services Corporation, and
- WHEREAS, this agreement was made between Peterson Zah, the former director of DNA, now the Chairman of the Navajo Nation, and the Tribal Council of the White Mountain Apache Tribe, more specifically, through the Tribal Chairman of the Tribal Council with the consent of the Tribal Council, and
- WHEREAS, the White Mountain Apache Tribe has gained considerable knowledge regarding the institution of Legal Aid Services on the reservation in the last five years which experience now enables the Tribal Council to request aid from DNA and the Denver Regional Office for legal services for assistance in obtaining funding for an independent Apache Legal Aid Office on the reservation without administrative ties or control from the DNA central office on the Navajo Reservation, and
- WHEREAS, the Tribal Council is well aware of the good diplomatic relationship that it enjoys with the Navajo Nation and earnestly wishes that relationship to continue; but at the same time, is of the opinion that the White Mountain Apache Tribe should have its own legal services which can address itself to the particular tribal customs, language, environment, people and needs of the White Mountain Apache Tribe, while still remaining as an independent legal agency for the tribal people, and

WHEREAS, it is the understanding of the White Mountain Apache Tribal Council that the Papago Tribe has such an independent legal service which provides legal services for eligible members of the Papago Tribe with direct funding from the National Legal Services Corporation, and

WHEREAS, the Tribal Council has met with the Advisory Board for Apache Legal Services which has advised the Tribal Council that it is in favor of an independent Apache Legal Services which would receive direct funding from the National Legal Services Corporation rather than continuing to operate as a branch of DNA, and

WHEREAS, further, the Advisory Board for Apache Legal Services has advised the Tribal Council that the Apache Legal Aid staff often operates on its own without board approval; that the Advisory Board has not been kept abreast of the case load, how much work is being done on a daily basis and that there have been individual complaints of undue delay in resolving legal problems; and further that although the legal aid staff advised the Tribal Council members that the Advisory Board had requested the staff to contact the Council members for renewal of the lease, the Advisory Board denies ever having made such a request, and

WHEREAS, the Advisory Board further advises the Tribal Council that although the DNA Legal staff presented the five-year lease renewal to the Tribal Chairman purportedly on behalf of the Advisory Board, the truth is that the Advisory Board did not direct them to do so, and

WHEREAS, the Advisory Board states that they have not been kept advised as to staff operations and decisions except when the legal staff needs to utilize them for their purposes and that; further, the Advisory Board has not been consulted on recent attorney hirings in the staff office and have not done so since they took part in the interview of David Frank, and

WHEREAS, the Tribal Council has heard reports and has had first-hand knowledge and experience of client complaints due to the legal aid staff being involved in cases where they represent poor persons against other poor persons who lack representation, that the DNA staff is not sensitive to tribal philosophy and lack compassion when litigating cases between tribal members both of whom are poor but only one of whom they represent, and further, that the DNA staff has applied hard and fast legal interpretations from the anglo-view point which has invited continued misunderstandings and has perpetuated individual feuding between tribal members rather than resolving disputes the traditional Apache way, and

WHEREAS, Peterson Zah, as Director of DNA five years ago, verbally represented to the Tribal Council that legal aid would obtain legal representation for the other party whenever legal could only represent one of two or more eligible persons in a given controversy which has not materialized, and

WHEREAS, the Advisory Board for the Apache Legal Aid advises the Tribal Council that six months from the date of this Tribal Council Meeting is ample time in which to close client cases and files and to arrange for the transfer of library facilities and funding to a new independent Apache Legal Aid which would operate in conformity with guidelines set down by the National Legal Services Corporation to insure independent legal representation; but with further input from the Tribal Advisory Board regarding areas of emphasis best suited to assist the tribal members on the reservation, and

WHEREAS, the Tribal Council is most appreciative to DNA Legal Services for introducing legal services to the Apache people and allowing the Apache people a five-year period in which to learn from and to obtain knowledge and experience from having legal aid operating on the reservation, and

WHEREAS, the Tribal Council believes that it is now of paramount importance to phase out DNA Legal Services on the reservation while concurrently establishing an independent Apache Legal Services to take its place which would utilize the head count of eligible persons on the reservation for funding purposes, and

WHEREAS, the Tribal Council is opposed to the establishment of any DNA office off the reservation which would attempt to utilize the head count of eligible persons on the reservation for funding purposes and further, that the Tribal Council now calls upon DNA Legal Services to abide by its original agreement and promise to aid and assist the Tribal Council in the establishment of a new independent, non-DNA affiliated legal services program for the reservation.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby respectfully declines to renew the five-year lease with Apache Legal Services for rental of any law office within the boundaries of the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby respectfully calls upon DNA Legal Services to abide by the original agreement and promise made five years ago which calls for a phasing out of DNA Legal Services and the transfer of all legal service obligations to an independent Apache Legal Services office on the reservation which would receive direct funding from the National Legal Services Corporation.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs that DNA Legal Services known as Apache Legal Services shall terminate operations within six months of the date of this meeting during which time it is requested that DNA meet with delegates of the Tribal Council for purposes of obtaining direct funding for an independent Apache Legal Services program on the reservation similar to that operating on the Papago Indian Reservation under the name Papago Legal Services.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby acknowledges the valuable contributions that DNA Legal Services has made to the White Mountain Apache Tribe and wishes to pay particular tribute to the Navajo Nation which had the foresight to establish such a program on its reservation several years ago, and for sharing their program with the White Mountain Apache Tribe; however, the Tribal Council now believes that the White Mountain Apache Tribe is ready, willing and able to establish its own independent Apache Legal Services program with direct funding from the National Legal Services Corporation in Washington, D. C. in order to continue legal services and to improve its delivery upon the foundation that Apache Legal Services has provided to the people of the White Mountain Apache Tribe.


BE IT FURTHER RESOLVED by the Tribal Council that it concludes that an independent Apache Legal Services program not affiliated with DNA and administered at the local level will be best able to meet the needs of the Apache people in terms of their customs, traditions, and their philosophy as well as the need of the Tribal Judicial System to integrate these factors into a tribal jurisprudence.

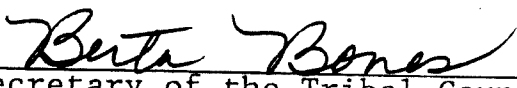
BE IT FURTHER RESOLVED by the Tribal Council that it hereby delegates to the Tribal Chairman or his designee the task of meeting with DNA Legal Services and the National Legal Services Corporation for purposes of obtaining within the next six months direct funding for an independent non-DNA affiliated Legal Services office on the reservation and to arrange for the transfer of monies, equipment and library facilities for such an office.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs a copy of this resolution be sent to Mr. Norman Ration, the Director of DNA Legal Services at the central office for DNA located at Window Rock, the Navajo Nation, State of Arizona and to the appropriate personnel of the National Legal Services Corporation as well as any Regional Office personnel who might be appropriate.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes the Tribal Chairman of the Tribal Council to take all steps necessary, political or otherwise, to obtain direct funding for an independent Apache Legal Services office to operate on the Fort Apache Indian Reservation within the next six months.

The foregoing resolution was on March 24, 1983 duly adopted by a vote of 9 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 (a, b, i, j & u) 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

Acting 
Secretary of the Tribal Council