

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

WHEREAS, the White Mountain Apache Tribe, in October of 1983, filed a complaint in the U. S. District Court of Arizona against the Secretary of the Interior and Secretary of Agriculture alleging that approximately 14,000 acres of the reservation was erroneously surveyed resulting in a mistake being made as to the Northwest boundary of the reservation and that although the 14,000 acres is rightfully within the reservation boundary, it is encroached upon by the National Forest, and

WHEREAS, the Justice Department representing the Secretary of the Interior and the Secretary of Agriculture has filed a motion to dismiss the Tribe's claims on the grounds that any land claims the Tribe could have brought against the United States were included in the final settlement of Docket 22-D before the U. S. Court of Claims, and

WHEREAS, the Tribe has opposed the motion to dismiss on the basis that there never was a taking of the 14,000 acres and that it is not legally possible to take Indian land on the basis of a survey error, and

WHEREAS, the Tribal Council also concludes that inquiry should be made to the former Claims Attorneys, Weissbrodt & Weissbrodt, as to why they neglected or failed to recognize the survey error of some 14,000 acres and their failure to make a claim for the millions of dollars worth of timber which was harvested from the 14,000 acres rightfully belonging to the White Mountain Apache Tribe within the South Edge of Black Mesa, the official north boundary of the Fort Apache Indian Reservation, pursuant to the Executive Order of November 9, 1871 establishing the reservation.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests its Attorney of Record in Docket 22-H, Special Counsel, William H. Veeder, to make the necessary inquiry to the former Claims Attorneys, Weissbrodt & Weissbrodt, to determine why Weissbrodt & Weissbrodt failed to make a claim for the timber harvested within the 14,000 acres erroneously encroached upon by the National Forest, pursuant to a survey error.

BE IT FURTHER RESOLVED by the Tribal Council that it further requests Mr. Veeder to report back his findings to the Tribal Council as soon as he has completed his inquiry to the former Claims Attorneys.

The foregoing resolution was on April 17, 1984 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 (i) 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

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FORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ.

  
Secretary of the Tribal Council