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MAY 28 1985

Resolution No. 85-122

FORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ.

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


- WHEREAS, the Tribal Council is advised that the Department of Interior is planning to abolish the Board of Indian Appeals and merge that function with the Board of Land Appeals; and
- WHEREAS, the result of this merger will be that Indian cases will no longer receive special consideration by experts in the complexities of Indian Law, but will be decided by persons whose backgrounds are generally limited to public land law; and
- WHEREAS, IBIA cases include a wide range of Indian law issues including but not limited to: Indian Probate, Lease Cancellations, Treaty Rights, Tribal Constitutional questions and the limits of BIA authority over Indian Affairs; and
- WHEREAS, abolition of the IBIA will remove an independent and objective administrative review of BIA actions or inactions; and
- WHEREAS, presently, the IBIA generally decides a case within a maximum of two months after it is ready for decision, but that the Board of Land Appeals has an approximate backlog of 1,000 cases; and
- WHEREAS, there are several advantages to retaining the IBIA, including but not limited to 1) inexpensive and expeditious administrative review, 2) review by persons trained and experienced in Indian law and affairs, 3) maintenance of the continuity of legal precedent and procedure established by the IBIA, and 4) preservation of the IBIA's identity within Indian and legal communities; and
- WHEREAS, the alleged monetary savings alleged to result from the personnel reductions is minimal in comparison to the public cost which will result from the loss to the American Indian and Alaskan Native communities of qualitative legal determinations by experts and delays due to backlogs.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby unanimously opposes the abolishment of the Board of Indian Appeals and merger of that Board's function with the Board of Land Appeals.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that a copy of this resolution be sent immediately to the Secretary of the Interior, Donald P. Hodel, requesting that he retain a separate and independent Board of Indian Appeals.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby requests that the Arizona Congressional Delegation receive a copy of this Resolution and request that they utilize their good offices to oppose the Office of Hearing Appeals proposal to abolish the IBIA.

The foregoing resolution was on May 16, 1985, 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 (i) of the Amended Constitution and Bylaws 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)

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council