

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


- WHEREAS, the White Mountain Apache Tribe is advised by the Tribal Attorney's Office, on behalf of the White Mountain Apache Tribal Head Start Program that the Arizona State Department of Education is requiring that all employees of the Apache Head Start Program must, at their own expense, submit their finger prints to the Department of Education before the department will release any federal reimbursement monies, pursuant to the Child Food and Nutrition Programs, and
- WHEREAS, the State Department of Education is requiring further, that all employees must have the FBI and Department of Public Security perform a background check, that each employee must sign a notarized statement that he or she is not awaiting trial and has never been convicted of or admitted to committing certain criminal offenses against children, that they must register with the State Department of Education and also, complete a work history, and
- WHEREAS, the Tribal Council is advised that the cost of finger printing is \$14.00 per employee, which would cost the Head Start Program approximately \$840.00 which is not within their means or the Tribe's, and
- WHEREAS, these requirements are being imposed pursuant to HB 2218, a State Statute, which, pursuant to the doctrine to Tribal sovereignty immunity cannot be imposed upon the White Mountain Apache Tribe as the State lacks jurisdiction over internal reservation activities and Indian people, and
- WHEREAS, the Tribal Council further acknowledges that it has the means, through its own Tribal Police Department, to thoroughly and properly screen all employees who work for the Head Start Program of which over 98% are tribal members or Indians married into the Tribe, and
- WHEREAS, the Tribal Council concludes that rigid compliance with HB 2218 by the Department of Education constitutes unfair treatment and that the State Agency is requiring tribes to sacrifice their status as sovereign nations in order to receive much needed reimbursement for Child Nutrition Programs and further are imposing a financial burden which cannot be met by the Tribe, and
- WHEREAS, the Head Start Program operated by the Tribe is not licensed by the State of Arizona, but is subject only to the plenary control of the White Mountain Apache Tribe Council and the Head Start Bureau in Washington, D. C. a Federal Agency.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby opposes the implementation of HB 2218 on the White Mountain Apache Tribal Head Start Program for the reasons that it is contrary to the:

1. Doctrine of Tribal Sovereign Immunity and the State Constitution and case law;

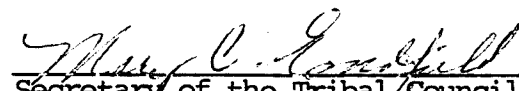
2. Imposes a financial burden on the Tribal Head Start Program which cannot be met by the Tribe;
3. Violates a State policy of promoting Tribal-State Intergovernmental agreements which preserve the sovereignty of both the State and the Tribe;
4. Infringes upon Tribal Self-Government in that, the Tribal Police Department is capable of properly screening all Head Start personnel in order to comply with the spirit and intent of HB 2218;
5. The State of Arizona lacks criminal jurisdiction over Indians on the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Tribal Attorney to submit a copy of this resolution to the State Department of Education, the Attorney General's Office for the State of Arizona and the Regional Office of the United States Department of Agriculture and to make any and all efforts necessary to ensure the continuity of the Food and Nutrition Programs for the White Mountain Apache Tribal Head Start Program.

The foregoing resolution was on August 27, 1985 duly adopted by a vote of 8 for, 1 Abst. 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



Secretary of the Tribal Council

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