

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

- WHEREAS, The Tribal Council has received copies of a letter written by James H. Stevens, Phoenix Area Director of the Bureau of Indian Affairs, dated August 27, 1985, which was addressed to the Tribal Chairman, but which was never received by his office through the mail, but was forwarded to him several days later by the Superintendent of the Fort Apache Indian Reservation; and
- WHEREAS, said letter from Area Director Stevens states that the BIA Area Office will cease dispersing the tribe's stumpage revenue until such time as the tribe and its enterprises develop and submit a plan on how the tribe intends to correct certain alleged financial problems perceived by the Area Director; and
- WHEREAS, said letter misconstrues and misunderstands tribal finances in that the stumpage revenues are vital to supporting essential tribal governmental functions such as the police department, the office of the Chairman, Vice Chairman, Tribal Attorney and business administration, and that the enterprises have previously been advised by the Tribal Council that they shall not receive any further support from the Central Tribe, but must maintain their enterprises through their own revenues and become self-sufficient; and
- WHEREAS, said letter from the Area Director did not provide the tribe with any prior notice or due process, and constitutes arbitrary and capricious conduct on his part and is nothing less than administrative seizure of tribal monies and property in violation of the tribe's constitutional rights and its right of self-government; and
- WHEREAS, the White Mountain Apache Tribe has survived businesswise for many years without Bureau of Indian Affairs assistance and through its several enterprises, has embarked on a successful program of self-determination and economic self-sufficiency; and

WHEREAS, the Tribal Council has already initiated measures to improve the profit line of the enterprises so that they are self-sufficient without reliance on Central Tribe monies, and have further met with their auditors, Touche Ross, this date, for the purpose of receiving information regarding their recommendations and for implementing those recommendations for the various enterprises and Central Tribe budgets; and

WHEREAS, the Tribal Council is advised that the Area Director received the tribal budget over two months ago, but did not act upon said budget until August 27, 1985, and then without warning, froze vital tribal governmental revenues in the form of stumpage, which unless lifted will paralyze Central Tribal governmental functions such as police protection, business administration and the offices of the Chairman and Vice Chairman; and

WHEREAS, on September 4, 1985, Tribal Chairman Ronnie Lupe in an in-person meeting with Acting Deputy Assistant Secretary, Hazel Albert, protested this precipitous action of Area Director Stevens, and that she directed Superintendent Russell Bradley to discuss with the Phoenix Area Office, the matter of the stumpage revenue freeze and to resolve the situation in view of the Chairman's protest.

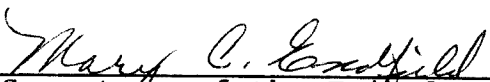
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby protests the violations of its constitutional rights of notice, due process and infringement upon its tribal sovereignty and right of self-government, perpetrated by Phoenix Area Director, James H. Stevens' order illegally freezing tribal stumpage revenues vital for the continued functioning of the tribe's police department, business administrative offices and tribal governmental offices and staff.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby notifies the Area Director that the tribe has already met several times to discuss the reorganization of its internal tribal finances, has discussed with the enterprise managers the necessity of self-sufficiency and has initiated financial reforms necessary to balance the budget and accommodate revenues with expenditures.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby demands that the Area Office cease its illegal administrative action and seizure of tribal stumpage revenues and release all said revenues now due and owing to the tribe without further delay so that the essential governmental functions of the tribe in the areas of police protection, business and governmental administration, legal representation, and other vital governmental functions can continue without jeopardy to the tribal people.

The foregoing resolution was on September 25, 1985, 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 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)


Chairman of the Tribal Council


Secretary of the Tribal Council

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