

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

- WHEREAS, tribal member, Elmer Danford, has come before the Tribal Council requesting assistance in respect to litigation that he has filed pro per in the U.S. District Court for the District of Arizona against the Department of Interior in which he alleges that he was subject to racial discrimination when terminated three years ago; and
- WHEREAS, the Tribal Attorney advises the Council that the Department of Interior conducted its own investigation as mandated by Federal Regulations, and determined that there was no merit to Mr. Danford's claim; and
- WHEREAS, the Tribal Council is further advised that Mr. Danford appealed the denial of his claim from the Department of Interior employment office to the Equal Employment Opportunity commission, which conducted an indepth investigation, but which also declined to find any evidence of racial discrimination; and
- WHEREAS, pursuant to Federal Law, Mr. Danford had the right to file a lawsuit in Federal Court, which he accomplished with the aid of the former assistant Tribal Attorney, Scott Canty; and
- WHEREAS, the Tribal Council, in July of 1987, passed a Resolution authorizing and directing the then Chairman to conduct an investigation and attempt to negotiate and assist Mr. Danford in his dispute with the Bureau of Indian Affairs; and
- WHEREAS, the contract with the Tribal Attorney precludes representation of individual members unless so directed by the Tribal Council; and
- WHEREAS, Tribal Attorney, Robert C. Brauchli, explains to the Tribal Council that the workload at the Tribal Attorney's office is considerable and benefits all tribal people, and that based upon his opinion of the merits of Mr. Danford's claim, there would be little or no benefit to the White Mountain Apache Tribe to represent Mr. Danford and to expend considerable amounts of attorney time and tribal funds to do so; and
- WHEREAS, the Tribal Council is consideration of the allocation of scarce resources due to the present financial

situation of the, nevertheless, wishes to assist Mr. Danford in some way; and

WHEREAS, the Tribal Council wishes to review independently the record of the investigation proceedings within the Department of Interior and Equal Employment Opportunity Commission so that it can determine whether to allocate scarce tribal resources to assist Mr. Danford; and

WHEREAS, the Tribal Attorney volunteers to the Council that he would be willing to interface with the Bureau of Indian Affairs Superintendent, Ben Nuvamsa, to determine whether Mr. Danford can be reinstated on the condition that he pay for the cost of the radio lost three years ago, provided that it is understood that he is not representing Mr. Danford as a client, but simply as a go-between on behalf of the Tribal Council.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Mr. Elmer Danford to deliver to the office of the Tribal Attorney the day after this resolution is passed, copies of the Department of Interior and EEOC investigations so that the Tribal Attorney's Office can copy and distribute same to members of the Tribal Council for their independent review.

BE IT FURTHER RESOLVED by the Tribal Council that it directs the Tribal Attorney to contact Superintendent Ben Nuvamsa and attempt to negotiate Mr. Danford's reinstatement with the Bureau, with the understanding that the Tribal Attorney, Robert Brauchli, does not represent Mr. Danford but is representing the White Mountain Apache Tribe and the Tribal Council's interest in the general welfare and well being of its constituents.

The foregoing resolution was on December 6, 1990, duly adopted by a vote of six for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a) (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).

**RECEIVED**

DEC 18 1990

FORT APACHE INDIAN AGENCY  
WHITERIVER, ARIZONA

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council