



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

(Requesting Further Information from the U.S. Attorney and Bureau of Indian Affairs Office of Law Enforcement as to the status of U.S. v. Jimmy Aday)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, the U.S. Attorney, with the assistance of the U.S. Department of Interior Bureau of Indian Affairs Office of Law Enforcement, filed the case of U.S. v. Jimmy Aday, alleging that Mr. Aday had committed aggravated sexual assault and kidnapping, and that he is the serial rapist responsible for up to eleven victims; and

WHEREAS, Mr. Aday was picked up by BIA-OLES officers and arraigned in Flagstaff, without being charged under tribal law; and

WHEREAS, two other suspects were charged under the White Mountain Apache Criminal Code, but have since been released for lack of evidence; and

WHEREAS, the BIA-OLES has not reported to the Tribal Council as promised, as to the status of the case or whether there is sufficient evidence against Mr. Aday to indicate that he is in fact the serial rapist, or whether all of the evidence seized from the Aday family was necessary to the case; and

WHEREAS, similarly, the Executive Director of the Division of Public Safety and the Chief of WMAPD have not reported to the Tribal Council as to whether the incidence of rape have continued within the Fort Apache Indian Reservation; and

WHEREAS, it has come to the attention of the Tribal Council that Mr. Aday has been attacked at the federal facility in Florence, and his safety is of great concern to his family; and

WHEREAS, it has also come to the attention of the Tribal Council that Mr. Aday's attorney has filed a Motion for Release in November, 2006, but that there has not been a hearing on the Motion as of yet; and

WHEREAS, the Tribal Council finds that once again the BIA-OLES has not timely or adequately communicated with the Tribe as to whether the serial rapist investigation has been completed; and

WHEREAS, the Tribal Council further finds that the U.S. Attorney has not provided information to the Tribe as to the status of the Aday case, and this lack of information is especially troublesome given the high public profile that the case received in the media; and

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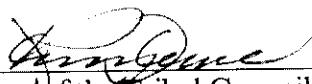
WHEREAS, the Tribal Council further finds that there exists disparate treatment for defendants charged with federal crimes under the Major Crimes Act, and this disparity is cause for concern without further explanation from the BIA-OLEW and the Office of the U.S. Attorney; and

WHEREAS, the Tribal Council finally finds that the BIA-OLES and the Office of the U.S. Attorney should meet with the Tribal Council at their earliest convenience to discuss the concerns raised herein.


BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

1. The U.S. Attorney for the District of Arizona is hereby requested to meet with the Tribal Council on the status of the case of U.S. v. Jimmy Aday, and the concerns expressed herein.
2. The BIA-OLES, together with the Executive Director of the Division of Public Safety and the Chief of WMAPD, are hereby requested to meet with the Tribal Council as to the status of the case or whether there is sufficient evidence against Mr. Aday to indicate that he is in fact the serial rapist, or whether all of the evidence seized from the Aday family was necessary to the case.
3. The Chairman, or in his absence the Vice-Chairwoman, is hereby directed to communicate the requests made herein to the U.S. Attorney and the BIA-OLES, and to apprise the delegation of the U.S. Congress as to this case and the concerns expressed herein.

The foregoing resolution was on January 10, 2007, duly adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (c), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council