



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

**(Objecting to Secretary Artman's Indian Affairs Modernization Initiative)**

- 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**, on August 17, 2007, Carl Artman, the Assistant Secretary for Indian Affairs at the U.S. Department of Interior, notified all Tribes by letter that the Bureau of Indian Affairs was going to hold "consultation meetings" during the month of September; and
- WHEREAS**, of concern to Secretary Artman was the retirement of experienced BIA employees and the "availability of budget resources," due to "increasing costs, increasing demand for services, and many other external factors," the Secretary finds it necessary to "develop a plan . . . by being as resourceful and capable as possible;" and
- WHEREAS**, Chairman Lupe and Council Members Massey and Altaha attended one such meeting in Phoenix on Wednesday, September 26, 2007, at the BIA's Area Office; and
- WHEREAS**, Robert Middleton, a fourth tier manager who works as the Director of the Office of Indian Energy and Economic Development, presented Secretary Artman's proposal, which was labeled, "Indian Affairs Modernization Initiative"; and
- WHEREAS**, Tribal leaders were expecting a comprehensive written analysis of the BIA's proposal with specifics as to programs affected and a budget, but were instead offered a power point presentation that had vague and ambiguous terms, including: self-determination changes; consolidating realty, probate and economic development; less regional offices; other options instead of agencies delivering services; and
- WHEREAS**, the presentation by Mr. Middleton indicates that a major reorganization of the BIA is underway, but no specifics were offered; and
- WHEREAS**, a reorganization of the BIA has previously meant major budget cuts; and
- WHEREAS**, the most recent reorganization initiative was the "trust restructuring" effort that came about as a result of the *Cobell v. Kempthorne* case, currently before the U.S. Court of Appeals for the D.C. Circuit, which resulted in about ten percent of administrative functions being removed from the Regional Offices' and the Agencies' budgets, and then transferred to the BIA Central Office under the control of Debby Clark, Deputy Assistant Secretary for Management, for the purposes of funding the Office of the Special Trustee, which then resulted in local BIA agencies becoming unable to carry out their program functions and a correlative decline in services on reservations; and
- WHEREAS**, the United States' has a trust responsibility to the Tribes, such that the Tribes' needs and natural resources are protected into the future by and through the U.S. Secretary of Interior; and
- WHEREAS**, the Tribal Council finds that the decline in BIA services at the agency level resulting from the funding of the Office of the Special Trustee, amounts to a failure by the United States in its trust

**Resolution No. 10-2007-445**

responsibility to the Tribes; and

**WHEREAS**, U.S. Presidential Executive Order 13175 (November 6, 2000) requires a much more formal process for the Secretary's proposed reorganization, especially for those proposals that "have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes;" and

**WHEREAS**, the materials provided by the Assistant Secretary at the consultation meeting of September 26, 2007, were not sufficient for any meaningful response by Tribes; and

**WHEREAS**, the Tribal Council further finds that the meeting of September 26, 2007, was not a consultation within the meaning of EO 13175; and

**WHEREAS**, the Tribal Council further finds that a reorganization of the BIA would have substantial direct effects on Tribes, and effectively would re-distribute power and responsibilities between the BIA and the Tribes; and

**WHEREAS**, the Tribal Council further finds that any further attempts at reorganization of the BIA, such as that proposed by Secretary Artman, requires formal consultation with the Tribes within the meaning of EO 13175, a process that includes a thorough, written proposal for reorganization, with specifics as to programs that may be effected, any proposed changes in regulations, together with a budget, and a process by which Tribes can provide substantial input through "consensual mechanisms for developing regulations [if applicable], including negotiated rulemaking."

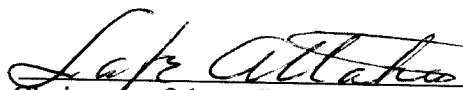
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:

1. The Tribal Council hereby objects to the meeting of September 26, 2007, and the Modernization Initiative proposed by Secretary Artman.
2. Secretary Artman is hereby requested to submit to the White Mountain Apache Tribe a written proposal for any reorganization plans for the BIA, and to follow the requirements of EO 13175 by providing a process that includes a thorough, written proposal for reorganization, with specifics as to programs that may be effected, any proposed changes in regulations, together with a budget, and a process by which the Tribe can provide substantial input to the proposal through "consensual mechanisms for developing regulations, including negotiated rulemaking."

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on October 18, 2007, duly adopted by a vote of EIGHT 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).

**ACTING**

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council