

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

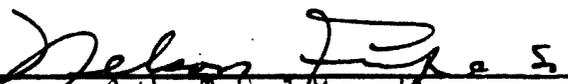
WHEREAS, the attached memorandum dated March 19, 1954 from the Superintendent of the Fort Apache Indian Agency has been brought to the attention of the Council, and the Council is in complete agreement with the action reported therein, therefore,

BE IT RESOLVED by the Council of the White Mountain Apache Tribe that the Superintendent is hereby authorized to expend such tribal funds as he deems necessary to carry the case to a final disposition, and

BE IT FURTHER RESOLVED that the Council of the White Mountain Apache Tribe hereby assumes any and all financial liability which might arise from the circumstances reported in the Superintendent's memorandum, and

BE IT FURTHER RESOLVED that the Council of the White Mountain Apache Tribe does hereby express its appreciation to the representatives of the Bureau of Indian Affairs for their efforts to bring a final determination to this case which has been a troublesome one for the Council for several years.

The foregoing Resolution was made on March 22, 1954 and duly adopted by a vote of 7 for and 0 against, by the Council of the White Mountain Apache Tribe pursuant to authority vested in it by Article VI, Section 1 (d) (n) of the Constitution and By-Laws of the Tribe, ratified by the Tribe on August 15, 1938 and approved by the Secretary of the Interior on August 26, 1938 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

Memorandum Concerning West Cases

On March 15 a crew was assembled at Forestdale for the purpose of obtaining a count of livestock being grazed by Earl West in accordance with Office letter of February 10, 1954.

Because of the nature of the range, being mountainous and timbered, it was necessary to gather the cattle and bring them into a corral in order that brands could be read. On March 16 this work was commenced and approximately 80 head were gathered that day and placed in the corral across from the Forestdale Trading Post.

On the evening of March 16, D. A. Longenbaugh and Harold Scottish, Indian Stockmen were accosted by Earl West at the junction of Cottonwood Canyon and Highway 60. Mr. West was extremely abusive and made serious threats against the lives of Indian Service personnel involved in the operation. He also attempted to offer physical violence to the person of Mr. Longenbaugh. Mr. Longenbaugh and Scottish avoided this by driving away. They proceeded to Show Low and reported the matter to Deputy Sheriff Jim Finney. Mr. Finney alerted the Highway Patrolman, John Conconi and Special Officer Guy McKinley. Both of these officers, accompanied by two Indian Policemen proceeded to Forestdale, but Mr. West did not make another appearance that evening. The cattle which were being held in the corral were moved across the highway and placed in a holding pasture near the Forestdale Stockman Station. They were fed hay.

On the morning of March 17 the cattle were returned to the corral and inspection and tally made of the brands. Mr. West appeared at the corrals during the morning and was there from time to time during the day. He made no further threats, but indicated that he would enter claim for damages accruing to his livestock by working them in their weakened condition. Additional cattle were gathered while the inspection was being carried out.

During the roundup and inspection of these cattle ample opportunity was had to examine in detail the ranges being used by Mr. West. There is virtually no feed on any of it and with the exception of a small area in the lower end of Cottonwood Canyon, the residual turf has been almost completely destroyed. On most of the area the browse plants have been denuded up as high as livestock can reach.

In view of all factors concerned and principally that of the possibility of subsequent claims for damages due to returning the cattle to the range it was decided to move the cattle to the Agency where they could be given feed and care pending settlement of the matter. Accordingly, a total of 102 head were moved by truck on March 18 and are now in a pasture near the Agency. Of this total 74 head are branded with Earl West's brand and 26 head with Glenn West's brand, and two young calves unbranded. One cow branded with Glenn West's brand had an Indian brand vented. These cattle will be well cared for and should improve in condition rather rapidly.

It is regretted that one cow bearing Mr. West's brand was severely injured during the process of brand inspection. Arrangements were made with Mr. West's

brother, Laverne, to butcher this cow and save the meat. The Council has authorized any expense concerned with the operation and a reasonable settlement will be sought with Mr. West for the damages. He was not present when the injury occurred and had not appeared up to the time I left Forestdale on March 18.

On March 19 the Dry Valley pasture was worked and 27 head of cattle removed therefrom to the Agency. Of this number 18 head bore Mr. Earl West's brand, 7 bore Glenn West's brand and two bulls bore the I. D. brand. This pasture also shows the effects of improper use and is in serious condition. Considerable wire turf remains on this area however and it should recover more rapidly than the range described above.

It is estimated that approximately 30 head of cattle and 20 horses remain on the ranges used by Mr. West.

John G. Crow, Superintendent