

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL  
(Demanding Audit of Agency IMPL Accounts)

RES. NO. 66-82

1 WHEREAS, in an effort to ascertain what the unobligated balances in the  
2 "Indian moneys, proceeds of labor" ("IMPL") accounts of the  
3 Papago Indian Agency are in order to determine the extent of  
4 expenditures authorized by the Act of December 23, 1981, P. L.  
5 97-100, 25 U.S.C. §161(b), the Papago Tribe has cooperated with  
6 the Agency in an informal review of its IMPL accounts, which review  
7 indicates that substantially all of the funds in said accounts  
8 belong to the Papago Tribe, various Districts of the Papago  
9 Reservation, individual allottees, or members of the Tribe; and  
10 WHEREAS, such review further indicates that the interest accruing on such  
11 funds have not been properly credited and that the Bureau of  
12 Indian Affairs has illegally appropriated such funds and accrued  
13 interest to expenditures of the Bureau; and  
14 WHEREAS, the law clearly establishes that funds received by the Bureau for  
15 Indian tribes and tribal members must be segregated into separate  
16 accounts, Act of February 12, 1929, 46 Stat. 584, 25 U.S.C. §161,  
17 and not comingled with Agency funds in IMPL accounts; and  
18 WHEREAS, the United States has a fiduciary duty with respect to funds held  
19 in trust for Indian tribes and members, which includes an obligation  
20 to maximize trust income and to account therefor, Cheyenne-Arapaho  
21 Tribes of Oklahoma v. U.S. (1975) 206 Ct. Cl. 340. 512 F.2d 1390;  
22 and  
23 WHEREAS, the Papago Council is deeply concerned that the Department of  
24 Interior is, and continues in violation of the law and its fiduciary  
25 duties with respect to funds received and invested in the IMPL  
26 accounts of the Papago Agency belonging to the Papago Tribe,  
27 various Districts of the Papago Reservation, individual allottees  
28 and members of the Tribe.  
29 NOW, THEREFORE, BE IT RESOLVED by the Papago Council that on behalf of the  
30 Papago Tribe and its members it does hereby demand an independent  
31 audit of the Papago Agency's IMPL accounts.  
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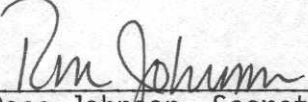
1 BE IT FURTHER RESOLVED that in the event the Department of Interior has not  
2 completed or effectively implemented such audit within 90 days of  
3 this Resolution, general counsel of the Papago Tribe shall prepare  
4 and present for review and approval by this Council a contingent  
5 fee agreement to file suit against the Secretary of Interior on  
6 behalf of the Papago Tribe, individual allottees and members of the  
7 Tribe for an accounting of all moneys received on their behalf and  
8 of interest accrued thereon.

9 The foregoing Resolution was duly enacted by the Papago Council on the 10th  
10 day of June, 1982, at a meeting at which a quorum was present with a vote of  
11 997.0 for; 0 against; 0 not voting; and 4 absent,  
12 pursuant to the Authority vested in the Papago Council by Section 2 (a) (b) (c)  
13 and (d) of Article V of the Constitution and By-Laws of the Papago Tribe as  
14 amended, ratified by the Papago Tribe on December 12, 1936, and approved by  
15 the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of  
16 the Act of June 18, 1934 (48 Stat. 984). Said Resolution is not subject to  
17 review by the Secretary of Interior and is effective as of the date of its  
18 enactment by the Papago Council.

15 THE PAPAGO COUNCIL

16   
17 Max H. Norris, Chairman

18 ATTEST:

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21 Rose Johnson, Secretary

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