

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO

3 NAVAJO NATION,)
4 Plaintiff,)
5 v.)
6 STATE OF NEW MEXICO, et al.)
7 Defendants.)

87 DEC 30 PM 1:09
Civil No. 86-576M
CRAIG J. DORSAY
AFFIDAVIT
CLERK

8 I, Craig J. Dorsay, being duly sworn, do depose and
9 state:

10 1. That I am the attorney of record for the Navajo
11 Nation in the above-entitled proceeding.

12 2. That I was attorney for the Navajo Division of
13 Social Welfare between 1983 and 1985.

14 3. That in 1984, the Bureau of Indian Affairs notified
15 the Navajo Nation that it was using an improper eligibility
16 standard for Title XX home care services for Navajo clients,
17 and disallowed 1.6 million in expenditures over a three year
18 period.

19 4. That the Bureau stated that its lower general
20 assistance eligibility standard applied on the Navajo
21 reservation for the disbursement of federal funds rather
22 than the higher state Title XX eligibility standard.

23 5. That imposition of the lower eligibility standard
24 for home care services by the Bureau resulted in a reduction
25 of the Navajo Nation's home care service population from
26 over 900 to approximately 30 or 40 clients.

27 6. That the Navajo Nation sued the Bureau of Indian

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1 Affairs in federal court to challenge the Bureau's lower
2 eligibility standard.

3 7. That on April 27, 1987, the United States District
4 Court for the District of Arizona issued a decision in favor
5 of the tribe on the eligibility standard. Navajo Nation v.
6 Hodel, Civ. No. 85-2255 PCT WPC (Memorandum and Order
7 attached as Exhibit A).

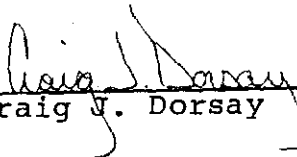
8 8. That a copy of this decision was sent to counsel
9 for Defendants in the above-entitled proceeding.

10 9. That I was informed in 1985 by the State of New
11 Mexico peronnel that the State was confronted with contempt
12 of court because the state legislative session had failed to
13 provide the Human Services Department with additional
14 funding necessary to comply with the consent decree in Wolfe
15 v. New Mexico Dept. of Human Services.

16 DATED this 23rd day of December, 1987.

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Craig J. Dorsay

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20 SUBSCRIBED AND SWORN to before me this 23rd day of
21 December, 1987.

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Notary Public for Oregon
My Commission expires: 8-4-90

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