

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

- WHEREAS, the Tribal Council has been notified by the Superintendent of the Fort Apache Indian Agency that Revised Ordinance No. 129 which was enacted by the Tribal Council on February 2, 1983, commonly known as the Exclusionary Ordinance, has been rescinded in part and affirmed in part by the Bureau of Indian Affairs, Phoenix Area Office; and
- WHEREAS, the alleged basis for partial rescission by the Area Office was that the ordinance was made specifically applicable to federal officials by Sections 1001, 1002 (2)(a), 1003 (2)(a), 1004 and 1010 (a) of the ordinance; and
- WHEREAS, it was the opinion of the Phoenix Area Office that the above-quoted provisions made it clear to that office that the tribe was attempting to establish by legislation that it had the authority to exclude from the reservation, federal officials and federal contractors who were doing business on the reservation pursuant to lawful federal authority, but without tribal consent; and
- WHEREAS, it is the opinion of the Bureau of Indian Affairs that the tribe cannot exert its authority over federal officials and federal contractors who are performing their lawful duties; and
- WHEREAS, the Tribal Council is of the opinion that if federal officials and federal contractors are engaged in activities on the reservation conflicts of interest which permeate the trustee relationship between the Federal Government and the White Mountain Apache Tribe as manifested by the trustee's efforts to diminish the tribe's water rights reserved to the tribe by virtue of the Winters Doctrine; and
- WHEREAS, the Tribal Council concludes that it has the inherent authority and Constitutional responsibility to exclude federal officials and federal contractors from the reservation when they are acting unlawfully and in excess of their authority by virtue or irreconcilable and all encompassing conflicts of interest which permeate their conduct on the reservation, and
- WHEREAS, the Tribal Council further concludes that the Exclusionary Ordinance should be amended by the Tribal Attorney to include protection for the tribe when the conduct and activities of federal officials and federal contractors

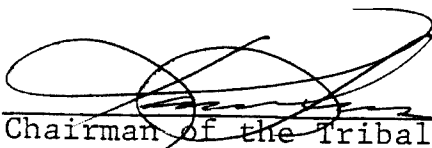
is unlawful and in excess of their authority by virtue of conflicts of interest.

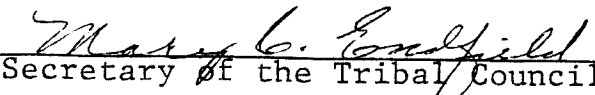
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Attorney to draft an amendment to Ordinance No. 129 for purposes of providing the tribe with legislation to protect the tribe and its resources from unlawful activities engaged in by federal officials and federal contractors who are acting outside the scope of their lawful authority by virtue of irreconcilable conflicts of interest which permeate their conduct on the Fort Apache Indian Reservation.

The foregoing resolution was on June 09, 1983 duly adopted by a vote of 8 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (f,h,i &q) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

**RECEIVED**  
JUN 16 1983

FORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council