

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

WHEREAS, James A. Barber, Superintendent of the Fort Apache Indian Agency, has disapproved Tribal Ordinance No. 142 for the reasons listed below; i.e.,

1. The Tribal Court does not have jurisdiction over federal officials,
2. The Tribal Court does not have power to determine the scope of federal authority, and
3. That the exercise of such authority by the Tribal Court is beyond the sovereign power of Indian Tribes, and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe disagrees with the Superintendent's disapproval of the Tribal Ordinance No. 142, and

WHEREAS, pursuant to ARTICLE VI, Section 1 (c) of the Amended Constitution of the White Mountain Apache Tribe, the Council may present Ordinance No. 142 to the Secretary of the Interior and if the Secretary of the Interior approves of the ordinance in writing it shall become effective, and

WHEREAS, the Tribal Council further observes that Ordinance No. 142 contains a severability clause as set forth in Section 1011 of the ordinance which provides that if any provision of the ordinance, the application thereof, is held invalid, the remainder of the ordinance, or other applications of such provisions, shall not be affected, and

WHEREAS, the Tribal Council without conceding to the legal affect of the Superintendent's disapproval hereby reaffirms those provisions of Tribal Ordinance No. 142 not expressly disapproved by the Superintendent.


BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Attorney to refer Tribal Ordinance No. 142 to the Secretary of the Interior for approval pursuant to Article VI, Section 1 (c) of the Amended Constitution and By-Laws of the White Mountain Apache Tribe.

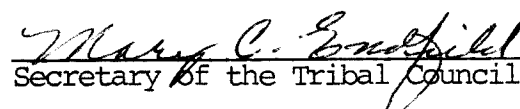
The foregoing resolution was on January 25, 1984 duly adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article VI, Section 1 (c) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 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

JAN 30 1984

FORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ.

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council