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NOV 26 1986

RESOLUTION NO. 86-354

PORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ.

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

WHEREAS, by previous notice Council Member Gertie Lupe was advised that the Tribal Council would consider the issue of whether or not her conviction in the Tribal Court for misuse of property constitutes a violation of the Tribal Constitution, specifically, Article IX Section 1 which provides that a Tribal Council Member position shall be declared vacant if a Council Member is convicted of a misdemeanor involving moral integrity; and

WHEREAS, on this even date, Council Member Gertie Lupe has appeared before the Tribal Council represented by Lay Advocate Velasquez Sneezy and has presented arguments as to why her position should not be declared vacant; and

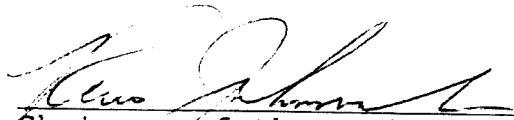
WHEREAS, the Tribal Council after lengthy discussion and review of the Tribal Court records and the applicable law pertaining to theft and embezzlement and after due consideration of the Constitution and precepts of due process and separation of powers, has come to the conclusion that Mrs. Lupe has in fact, based upon the review of the record, committed a crime of moral integrity as set forth in Article IX Section 1 of the Tribal Constitution but that the Tribal Council should not declare her position vacant until such time as the judicial proceedings now pending before the Tribal Court of Appeals are concluded.

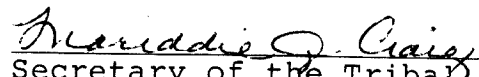
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby determines that Council Member Gertie Lupe has been convicted of a misdemeanor involving moral integrity and that pursuant to Article IX Section 1 of the Tribal Constitution, her position should be declared vacant but that it hereby abstains from declaring Mrs. Lupe's position vacant until such time as the Tribal Court of Appeals renders a final decision on Mrs. Lupe's Motion for Reconsideration.

BE IT FURTHER RESOLVED by the Tribal Council that in the event the Tribal Court of Appeals denies Mrs. Lupe's Motion for Reconsideration that her position should be declared vacant without any further hearing or deliberation by the Tribal Council, but that in the event that the Tribal Court of Appeals reverses said conviction, the Tribal Council will thereupon review the matter in its entirety.

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The foregoing resolution was on November 12, 1986, duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) and Article IX, Section 1 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).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

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