

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

WHEREAS, the Tribal Council of the White Mountain Apache Tribe, as governing body of the Fort Apache Indian Reservation, recognizes the Apache people's rights to exercise their religious beliefs without interference; and

WHEREAS, the right of religious freedom is guaranteed to Indian people by the American Indian Religious Freedom Act, the First and Fourteenth Amendments of the Constitution of the United States, the Indian Civil Rights Act of 1968 and Tribal Law and custom; and

WHEREAS, Federal and Tribal Law protects the rights of Indian people to practice traditional religions and to have access to religious sites; and

WHEREAS, 16 U.S.C. Section 47 et.seq. and Chapter V, Section 52.48 of the White Mountain Apache Tribal Law and Order Code provides for criminal penalties for the removal and destruction of any historical ruins and monument or object of antiquity or religious significance including religious sites; and

WHEREAS, the White Mountain Apache Tribal Council has from time-to-time, set aside plots of land for the use of various religious groups and denominations; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has the obligation and possesses the authority to set aside for the protection for the people of the White Mountain Apache Tribe a part of land known as The Holy Grounds, or properly described in Apache as "The Place of the Sacred Cane" as a religious site for exclusive use of persons practicing traditional Apache religion; and

WHEREAS, the Tribal Council concludes that The Holy Grounds should be protected by Tribal Law from desecration and should be acknowledged by Resolution or Ordinance in order to bring said such site within the protection of Federal Law.

Resolution No. 06-90-105

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby sets aside that land known as The Holy Grounds, more properly described in Apache as "The Place of the Sacred Cane", as a sacred and religious site for exclusive use by persons practicing traditional Apache religion.

BE IT FURTHER RESOLVED by the Tribal Council that any person or persons who shall enter said land without permission from the White Mountain Apache Tribal Council or permission from those persons who practice their religion at such sites and who excavate, remove, alter or deface such site or property found therein, shall commit an offense in violation of Tribal Law.

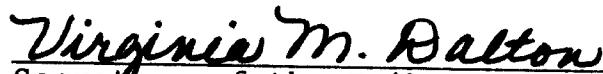
BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Tribal Attorney to draft an Ordinance specifying that any person found guilty of an offense as described herein and who desecrates The Holy Grounds, may be imprisoned for a period not to exceed one year or be fined in an amount not to exceed Five Thousand Dollars (\$5,000.00), or by both imprisonment and fine, any fines to be utilized for the reconstruction or repair of the Holy Grounds or property therein.

The foregoing resolution was on June 6, 1990, duly adopted by a vote of nine for and one against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (f) (g) (h) (i) (q) of the Amended Constitution and Bylaws 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


Chairman of the Tribal Council

JUN 18 1990


Virginia M. Dalton

Secretary of the Tribal Council
Fort Apache Indian Agency
Whiteriver, Arizona