

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

- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe has the inherent authority to appoint cultural advisory groups and to appoint individuals who administer justice within the Fort Apache Indian Reservation; and
- WHEREAS**, the Tribal Council recognizes that the traditions and culture of the White Mountain Apache Tribe are invaluable and must be preserved and passed on to younger generations; and
- WHEREAS**, the Tribal Council has determined that a panel established to mediate and resolve most civil and domestic disputes through Apache custom and tradition is essential to not only maintain order on the Fort Apache Indian Reservation, but to preserve these customs and traditions and form a method for educating and reminding generations to come of their culture and traditions and the meaning of justice according to our Elders; and
- WHEREAS**, the Tribal Council wishes to establish a dispute resolution center where the culture and traditions of the White Mountain Apache Tribe will create a unique method to resolve problems, a system separate from the often sterile and void American justice system where parties must often rely on lawyers to assist them because of laws which are so different from Apache custom and tradition – a system of justice much like our Apache ancestors had when there were no courts or judges, when the Elders of the community gave their advice to resolve disputes; and
- WHEREAS**, the Tribal Code of the White Mountain Apache Tribe, specifically Section 2.3 of the Judicial Code, entitled “Determination of Tribal Custom and Establishment of Apache Custom Advisory Panel”, authorizes each member of the Tribal Council to appoint one person to the Apache Custom Advisory Panel to represent his/her district; and
- WHEREAS**, the Tribal Code requires that any person appointed to the Apache Custom Advisory Panel shall be a person who is respected in his/her community as one who is wise, honest, ethical, and especially knowledgeable about human relations and White Mountain Apache culture, including the language, history, teachings, tradition, values and customs; and
- WHEREAS**, the Tribal Council has heard from the Dispute Resolution workgroup, a recommendation for the establishment of a Dispute Resolution Center within the Fort Apache Indian Reservation which will administer justice and will resolve

**Resolution No. 10-2004-249**

disputes according to Apache culture and tradition in civil matters and domestic disputes; and

**WHEREAS,** the Tribal Council, hearing the Dispute Resolution committee's recommendation to use members of the Apache Custom Advisory panel as mediators in the Dispute Resolution Center, as these members are experts in Apache custom, culture and tradition necessary for the resolution of disputes and will help establish a definitive record of the interpretation of laws according to Apache culture, custom, and tradition; and

**WHEREAS,** some of the Apache Custom Advisory Panel members appointed through Resolution 02-91-40 are no longer able to serve on the panel because they are either unable to leave their homes or they have passed away; and

**WHEREAS,** the Tribal Council has considered the Dispute Resolution working group's recommendation to appoint as mediators the following Elders who are either members of the Apache Custom Advisory Panel or who qualify for such designation and who could resolve disputes fairly according to Apache custom and traditions:

- |                               |                                     |
|-------------------------------|-------------------------------------|
| 1. Henry Haven - District I   | 6. Fannie Cruz – District III       |
| 2. Cecil Ivins – District I   | 7. Paul Ethelbah – District IV      |
| 3. Ross Susan – District II   | 8. Andrew Kinney, Sr. – District IV |
| 4. Simon Altaha – District II | 9. Timothy Clawson – District IV    |
| 5. Pat Johnson – District III | 10. Wesley Loas – District IV       |

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby supports the establishment of the White Mountain Apache Tribe Dispute Resolution Center and directs the Dispute Resolution workgroup to locate and apply for all funding sources available to enable the establishment and operation of the Center.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it appoints the following Elders as mediators for the Dispute Resolution Center upon its formation:

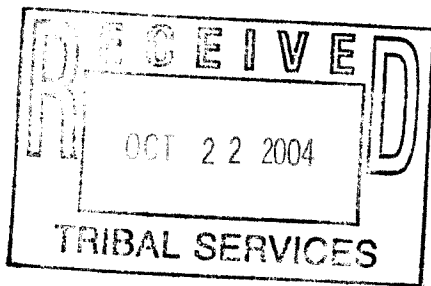
- |                               |                                     |
|-------------------------------|-------------------------------------|
| 1. Henry Haven – District I   | 6. Fannie Cruz – District III       |
| 2. Cecil Ivins – District I   | 7. Paul Ethelbah – District IV      |
| 3. Ross Susan – District II   | 8. Andrew Kinney, Sr. – District IV |
| 4. Simon Altaha – District II | 9. Timothy Clawson – District IV    |
| 5. Pat Johnson – District III | 10. Wesley Loas – District IV       |

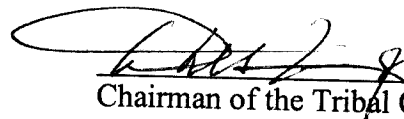
**Resolution No. 10-2004-249**

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it authorizes the Chairman, or in his absence, the Vice-Chairman, to sign all documents necessary to obtain support and funding for the Dispute Resolution Center.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Dispute Resolution working group shall provide quarterly progress reports to the Tribal Council on its progress in establishing the White Mountain Apache Tribe Dispute Resolution Center.

The foregoing resolution was on October 7, 2004, duly adopted by a vote of FIVE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (j), (q), (r), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



  
Chairman of the Tribal Council

  
Secretary of the Tribal Council