

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

**(Ordering Exclusion of Rudy Clendon, a non-member, from the
Fort Apache Indian Reservation)**

- WHEREAS,** pursuant to Article IV, Section 1(a), of the White Mountain Apache Constitution, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to the Constitution; and
- WHEREAS,** Chapter 5 of the White Mountain Government Code provides, "A non-member of the White Mountain Apache Tribe may be excluded or removed from the Fort Apache Indian Reservation after a hearing and the entry of an exclusion or removal order, or in cases involving a threat or danger to the public health, safety, or sovereignty of the White Mountain Apache Tribe or for violating Section 5.5, pending such a hearing, upon order of a Tribal Judge of the White Mountain Apache Tribe"; and
- WHEREAS,** Paul DeClay, Jr., an individual who is a member of the White Mountain Apache Tribe, together with members of his family, presented a complaint against Rudy Clendon; and
- WHEREAS,** Mr. Clendon is not a member of the Tribe, and is instead a member of the San Carlos Apache Tribe and therefore a non-member within the meaning of 5.2(B) of the Government Code; and
- WHEREAS,** Mr. DeClay presented testimony to the Tribal Council that Mr. Clendon was responsible for the death of his brother, Donnie DeClay, a member of the Tribe;
- WHEREAS,** Mr. Clendon was convicted of aggravated assault against Donnie DeClay by the White Mountain Apache Tribal Court; and
- WHEREAS,** Mr. DeClay alleged that Mr. Clendon has been convicted of numerous other crimes under the Criminal Code; and
- WHEREAS,** the Tribal Council finds that Mr. Clendon presents a threat to the safety of the Tribe, that violations of the Criminal Code are grounds under Section 5.5(B)(2) for an exclusion order against Mr. Clendon to prohibit his entry onto the lands of the Fort Apache Indian Reservation.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

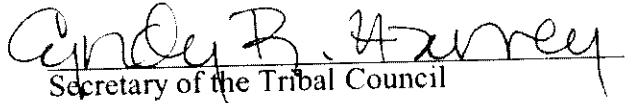
1. Rudy Clendon, a non-member, presents a threat to the safety of the Tribe and its members and that he should be removed from the Fort Apache Indian Reservation.

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2. The Tribal Attorney is directed to take legal action against Mr. Clendon, including a petition for an exclusion order from the White Mountain Apache Tribal Court to enforce the intent and terms of this resolution.

The foregoing resolution was on NOVEMBER 9, 2005, duly adopted by a vote of SEVEN 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), (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