



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## ( Approval of the Common Interest and Confidentiality Agreement with the Yavapai-Apache Nation )

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**WHEREAS,** the White Mountain Apache Tribe has been involved in NAGPRA issues since the mid-1990s, and as a member of the original Western Apache-NAGPRA Working Group that included: White Mountain Apache Tribe, San Carlos Apache Tribe, Tonto Apache Tribe, and Yavapai-Apache Nation (Camp Verde), and now with a name change to the All-Apache NAGPRA Working Group, with the addition of Mescalero, Fort Sill Chiricahua, Apache Tribe of Oklahoma, and Jicarilla Tribal Nations; and

**WHEREAS,** our NAGPRA Group has been in consultation with numerous museums, universities, and other organizations for many years and, for the most part, we have been successfully repatriating numerous sacred objects including human remains; but the exception has been the Smithsonian in Washington, DC, that has continued to refuse to return certain sacred objects and objects of cultural patrimony currently held by them; our Group intends to negotiate with the Smithsonian with the goal of obtaining the return of these items to our Tribes for putting them away; and

**WHEREAS,** the NAGPRA representative for our Tribe requests approval and support to agree to its involvement as a signatory and approval of a Common Interest and Confidentiality Agreement between Apache Tribal Nations to give full authority to the Yavapai-Apache Nation of the Camp Verde Indian Reservation ("Yavapai-Apache Nation") to represent all the Tribe's interest in negotiations, working with the Native American Rights Fund ("NARF") as our attorney as it states in the Special Attorney Contract Between the Yavapai-Apache Nation and the NARF ("Contract"); and

**WHEREAS,** Tribes are not going to claim these items until after they are repatriated to the Yavapai-Apache Nation, then the group will decide where the items belong, all parties know they will continue to face resistance to our request for the return of the items, but we will continue to provide further information concerning the reasons for the return of the items that should not continue to be in their possession; other legal actions may be necessary to protect the items, and NARF may be requested to assist in this and they will need to evaluate future requests for their representation as stated in the Contract; and

**WHEREAS,** as Apache Tribal nations, we have beliefs that our ancestors and sacred items belong in our homelands for healing to bring our people out of harm's way since these items were taken away years ago; this is why all the parties to this agreement have a common interest in attempting to have the items returned from the Smithsonian, and in doing this, we will need to share information, legal analyses, draft claims, and possibly legal complaints, and court filings among the parties; and

**Resolution No. 06-2018-132**

**WHEREAS**, the Tribal Council of the White Mountain Apache Tribe finds it in the best interest to approve the agreement, as presented.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby acknowledges the common interest as Apache Tribal Nations to support the repatriation of certain sacred items in the possession of the Smithsonian Museum and approves the All-Apache NAGPRA Working Group's negotiations on our Tribe's behalf.

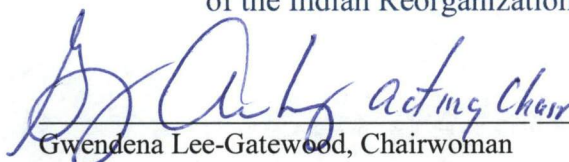
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby agrees to their involvement as a signatory of a Common Interest and Confidentiality Agreement between our Apache Tribal Nations to give full authority to the Yavapai-Apache Nation of the Camp Verde Indian Reservation to represent all our interests in negotiations, working with the Native American Rights Fund as our attorney as it states in the Special Attorney Contract Between the Yavapai-Apache Nation and the NARF.

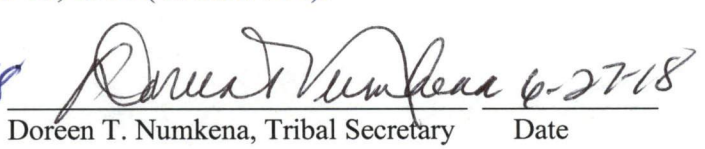
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on JUNE 13, 2018 duly adopted by a vote of TEN for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 acting Chair 6/27/18  
Gwendena Lee-Gatewood, Chairwoman      Date

 6-27-18  
Doreen T. Numkena, Tribal Secretary      Date