



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Funds to Establish a White Mountain Apache Office of the Public Defender)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power, “To represent the Tribe and act in all matters that concern the welfare of the Tribe...” and in Section 1(d), “To employ legal counsel, the choice of counsel and fixing of fees. . .”; and

WHEREAS, The right of appointment of a criminal defense attorney is a constitutional right that is guaranteed to all federal and state citizens in those respective courts, but which has been denied to the persons appearing in the Tribe’s court since the expiration of the criminal defense contract between the Tribe and Southern Arizona Legal Aid; and

WHEREAS, The Council finds that this grave inequity disadvantages Tribal members and ought to be rectified by the establishment of a White Mountain Apache Office of the Public Defender, controlled and operated by the Tribe; and

WHEREAS, To comply with applicable provisions of the Indian Civil Rights Act, Tribal Law and Order Act, and Violence Against Women Act, and to allow the Tribe to exercise the fullness of its jurisdiction, Council has determined that the Office of the Public Defender should be staffed by an attorney, licensed by the State Bar of Arizona and eligible for licensure in the White Mountain Apache Tribal Court; and

WHEREAS, The Council finds that establishing a Tribally-managed independent Office of the Public Defender would provide necessary constitutional protections for the defendants in the Tribe’s Courts, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribe’s Finance Department and Human Resources Department shall work to identify the necessary funds and staffing to establish a White Mountain Apache Office of the Public Defender.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that an Office of the Public Defender shall operate independently of the Attorney General’s Office, the Tribal Court, and the Office of the Prosecutor, and shall be directly supervised by the Tribal Council.

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

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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 Chairman, or in his 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 **JANUARY 18, 2023** duly adopted by a vote of **ELEVEN** 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez 8.3.2023
Kasey Velasquez, Chairman Date
White Mountain Apache Tribe

Vaneysa Johnson 8/3/2023
Vaneysa Johnson, Tribal Secretary Date