

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

WHEREAS, there is a number of homesite loans being made by FHA, Veterans Administration and Revolving Loan Fund, and

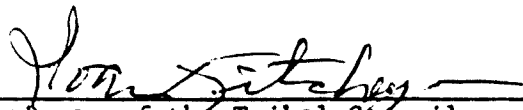
WHEREAS, there has been instances where the loan recipients have all signed and agreed to the documents and have been unmarried, and

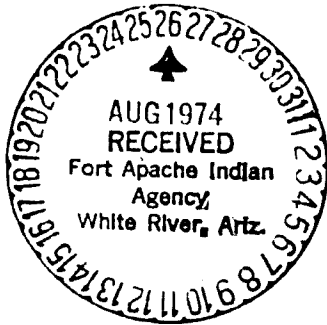
WHEREAS, Ordinance 82 on Illicit Cohabitation prevents this and does not recognize common law marriage or male and female living in the same domicile as husband and wife without being legally married.


BE IT RESOLVED by the Council of the White Mountain Apache Tribe that the Superintendent and Tribal Chairman will not sign any long term homesite leases without proof of marriage of the interested male and female that have signed a note and intend to use the building as a domicile.

BE IT FURTHER RESOLVED that a document or proof in the form of a copy of the marriage licenses or other accepted certification be attached and made part of the long term leases for these loans.

The foregoing resolution was on August 14, 1974 duly adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) and (q) of the Amended Constitution and By-Laws 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).


Chairman of the Tribal Council




Secretary of the Tribal Council

SEP 18 1974

MEMORANDUM

TO: Area Director
Attention: Tribal Operations

FROM: Superintendent

SUBJECT: Tribal Resolution
No. 74-125

There has been quite a discussion on the Council floor from time to time about the homestead loans processed by Farmers Home Administration, Veterans Administration and Revolving Credit Loan Fund. There has not been too much question about the acceptance or the capabilities of the loan. We have found instances where partnerships have been entered into by the loan recipients who had been divorced or at the present time were not married. Ordinance No. 82, Illicit Cohabitation prevents the living together, male and female, on the reservation unless the people are married.

Ordinance No. 82, Illicit Cohabitation is quite a topic of discussion on the reservation which is enforced to some extent, but needs a signed complaint making the allegation of the cohabitation process. Normally this is rather difficult to get and actual prosecution are relatively few in number.

This topic came before the Council in the meeting of August 14, 1974, and the Council was reminded that under the current Civil Rights Law there is nothing against entering into partnerships to purchase homes through F.H.A., V.A., or even the Revolving Loan Fund because there is no place these people are listed as man and wife. So in finalizing applications for F.H.A., V.A. and Revolving Credit little consideration is given to valid marriage license by Resolution No. 74-126 which will require the Superintendent and the Tribal Chairman to have proof of marriage before signing the long term lease required for forming partnerships to develop a domicile to be occupied as a man and wife.

(Sgd) Jack D. Smith
Acting Superintendent