

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

- WHEREAS, Mr. Varnell Gatewood, Sr., a tribal member and Chief Game Warden for the White Mountain Recreation Enterprise and who has more than fifteen (15) years of service as a Game warden for the Tribal Enterprise, has come before the Tribal Council with a complaint that his due process rights were violated, and
- WHEREAS, Mr. Gatewood advises the council that he was terminated from his position as Chief Game Warden on March 01, 1984 by the Manager of the White Mountain Recreation Enterprise based upon a complaint by another tribal member that Mr. Gatewood had interfered with his family's harmony, and
- WHEREAS, the termination letter from the Manager of the White Mountain Recreation Enterprise to Varnell Gatewood states that Mr. Gatewood's conduct has been complained about by a specifically named tribal member for a period of two years and that Mr. Gatewood has conducted prohibited activities during working hours in uniform, and while using a tribal vehicle, and
- WHEREAS, the Tribal Council is advised by Mr. Gatewood that he has never been shown written charges, police reports against him nor ever confronted by eye witnesses or his accusers, but that he was terminated solely based upon hearsay statements made to the Manager of the White Mountain Recreation Enterprise, and
- WHEREAS, the Tribal Council, after considerable discussion and debate, concludes that the tribal member who is complaining of Mr. Gatewood's conduct should file his charges in the Tribal Court which is the Tribal Institution created pursuant to the Constitution to handle such matters rather than going to the Manager of the White Mountain Recreation Enterprise and demanding Mr. Gatewood's termination, and
- WHEREAS, the Tribal Council further concludes that the White Mountain Recreation Enterprise Manager should not arbitrarily suspend an employee with fifteen (15) years' service based upon hearsay and that the Manager should have referred the complaining tribal member to the Tribal Court in order to vindicate his complaint against Mr. Gatewood where both sides of the controversies could be heard before an impartial judge or jury, and
- WHEREAS, the Tribal Council, after review of the termination letter from the White Mountain Recreation Enterprise Manager, determines that there exists no evidence or documentation of the charges against Mr. Gatewood which would justify his termination after fifteen (15) years of service, except for the hearsay statements made to the Enterprise Manager and; therefore, the termination is not in compliance with the due process requirements set forth in the Indian Civil rights Act of 1968, and

WHEREAS, the Tribal Council believes that it is in the best interest for the protection of the legal position of the White Mountain Apache Tribe that Mr. Gatewood be reinstated with backpay to his former position in order for the Tribe to avoid liability under the Indian Civil Rights Act which in part prohibits any Tribe from denying any person his property or rights without due process of law.


BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reinstates Varnell Gatewood to his former position as the Chief Game Warden for the White Mountain Recreation Enterprise with full backpay and that all of his seniority is hereby restored and remains intact.

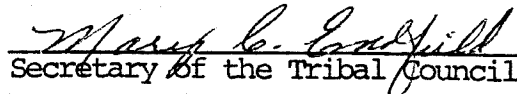
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it respectfully requests that the Tribal member who complained to the White Mountain Recreation Enterprise Manager refrain from making further efforts or apply his personal pressure on the White Mountain Recreation Enterprise Manager to terminate Mr. Gatewood and suggests that he pursue whatever legal remedies he may have against Mr. Gatewood in the Tribal Court System which has been created pursuant to the Tribal Constitution to process the very kind of complaints that he is making against Mr. Gatewood.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby admonishes the Manager of the White Mountain Recreation Enterprise to refrain from further efforts to terminate Mr. Gatewood based upon the hearsay evidence against him and advises the Manager to comply with the due process requirements of the Personnel Code and of the Indian Civil Rights Act of 1968.

BE IT FURTHER RESOLVED by the Tribal Council that Varnell Gatewood is hereby reinstated effective March 08, 1984, 8:00 a.m.

The foregoing resolution was on March 08, 1984 duly adopted by a vote of 8 for 0 against 2 abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) 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

Resolution No. 84-65

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WHITE MOUNTAIN APACHE INDIAN
ALLIANCE
WHITE MOUNTAIN, ARIZ.