

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

WHEREAS, the family of the late Donnie Declay have come before the Tribal Council this date to share their concerns arising from the unfortunate death of their family member, and their concerns over the safety of Mr. Donnie Declay's former partner and others in light of the ongoing accusations and investigation into this event; and

WHEREAS, the family notes that because of the many unresolved issues in what is now classified as a homicide investigation, and accusations and bitterness within the family and towards Mr. Declay's former partner, Elizabeth Rustin, the family believes it would be in the best interest of all that Ms. Elizabeth Rustin, a nonmember of the Tribe be directed to remove herself from the Reservation until all these issues are resolved; and

WHEREAS, the family has sought a restraining order from the Court directing Ms. Elizabeth Rustin to remain away from all members of Mr. Donnie Declay's extended family, but in addition, the family recommends that Ms. Rustin be directed to leave the Reservation for her own safety, in light of the current feelings and bitterness over the unfortunate death; and

WHEREAS, the Tribal Council, under the Constitution of the Tribe, retains all powers vested in it through the sovereign status of the White Mountain Apache Tribe, and exercises the power of exclusion, when necessary, as an essential act and responsibility of the Tribal Council for the welfare and self governance of the Tribe; and

WHEREAS, the Council makes no findings concerning any responsibility or past actions of Ms. Elizabeth Rustin, but concludes that her departure from the Reservation is mandated to ensure her continued safety until such time as the issues are fully resolved; and

WHEREAS, the Tribal Council extends a request for cooperation to the governing body of the San Carlos Apache Tribe, in which Ms. Rustin is an enrolled member, to assist in coordinating the enforcement of this Resolution for the betterment of all involved, just as the White Mountain Apache Tribe will at times be called upon to assist the governing body of the San Carlos Apache Tribe on similar issues of mutual interest.

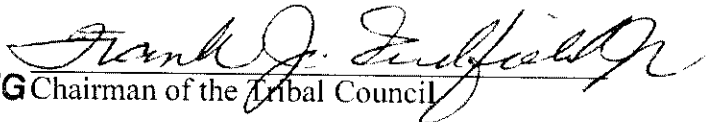
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the removal of nonmember Elizabeth Rustin from the lands of the White Mountain Apache Tribe to preserve the health and safety of all individuals, especially for the well-being and safety of Ms. Rustin.


BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that that this directive shall be effective immediately and shall remain in effect until such time as the serious issues are resolved pertaining to the unfortunate death of Mr. Donnie Declay, and the Tribal Council lifts this directive.

Resolution No. 03-2003-74

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests any available assistance from the San Carlos Apache Tribe as the need may arise to coordinate the removal of Ms. Rustin from the lands of the White Mountain Apache Tribe in furtherance of the government-to-government respect and cooperation between the two Indian tribes.

The foregoing resolution was on March 19, 2003 duly adopted by a vote of nine 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), (s), (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).


ACTING Chairman of the Tribal Council


Secretary of the Tribal Council