



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

**(Appointing Constitutional Committee to Initiate Process for Secretarial Election to Amend the Constitution's Provision for Membership under Article II, Section 1(b), and Authorizing Grant Funding Application for U.S. Administration for Native Americans)**

**WHEREAS**, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

**WHEREAS**, pursuant to Article II, Section 1(b), membership in the Tribe shall consist of "All persons of one-half (1/2) degree or more Indian blood, of a federally recognized Indian tribe or tribes, Provided, that the person is at least one-fourth (1/4) degree White Mountain Apache blood"; and

**WHEREAS**, the family of Gertie Lupe, a member of the Tribe, this day presented a membership dilemma in which one of her grandsons has a blood quantum of 15/32 White Mountain Apache Tribe, which is substantially more than one-quarter, yet he does not qualify for membership because his degree of Indian blood is less than one-half by 1/32; and

**WHEREAS**, numerous other families have a similar dilemma, and the result appears inequitable to these families; and

**WHEREAS**, a change in the constitutional provision for membership in the Tribe requires an amendment to the Tribe's Constitution; and

**WHEREAS**, Article X of the Tribe's Constitution provides a process for its amendment, which includes "an election on any proposed amendment at the request of the Council"; and

**WHEREAS**, recognizing the desire to equitably address the membership issue, the Tribal Council finds that the process for amending the Constitution provides an opportunity to strengthen tribal sovereignty and expand tribal jurisdiction commensurate with existing law; and

**WHEREAS**, the Tribal Council concludes that the process for amendment include the following four-phase plan: (1) appointment of a Constitutional Committee who shall have the responsibility of drafting amendments with the assistance of independent legal counsel; (2) Community participation; (3) Committee drafts of proposed amendments with review by the Tribal Council; and (4) requesting the U.S. Secretary of Interior submit the proposed amendments for consideration by the registered voters of the White Mountain Apache Tribe at an election, pursuant to 25 U.S.C. § 476 *et seq.*, provided that at least thirty percent of those entitled to vote shall vote in such election; and

**WHEREAS**, the Tribal Council finds that Districts should nominate suitable individuals to the Constitutional Committee within five (5) days of the date of this Resolution for consideration by the Tribal Council for appointment; and

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**WHEREAS**, funding for the amendment process described herein may be available through the U.S. Administration for Native Americans.

**NOW BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:

1. Each of the Districts is hereby directed to nominate two suitable individuals to the Constitutional Committee within five (5) days of the date of this Resolution for consideration by the Tribal Council for appointment. All prior Resolutions providing appointments to the Constitutional Committee are hereby rescinded. The Tribal Attorney is hereby directed to retain independent legal counsel to assist the Committee.
2. Over a period of four months from the date of this Resolution, the process for amendment of the Tribe's Constitution shall include the following four-phase plan for the sole purpose of amending Article II, Section 1(b) of the Constitution, for which the Committee shall have certain responsibilities:
  - A. Initial Outreach. Undertake initial community outreach and seek community participation to ensure that all interested persons are informed of the intent and purpose of the amendment process.
  - B. Committee drafts proposed amendments. Once drafted, the Committee shall submit drafts to the Tribal Council and the community for comment through a process of field hearings, radio shows and newspaper ads.
  - C. Final drafts. Committee revises drafts based upon Tribal Council and community comment, and develops final amendments, which are submitted for Tribal Council review. The Tribal Council may make further revisions or send its comments and instructions back to the Committee.
  - D. Secretarial Election. Any amendments finalized by the Committee, must be approved by the Tribal Council before an election is held. Amendments approved by the Tribal Council will be submitted to the U.S. Secretary of Interior to start the election process.
3. An application to the U.S. Administration for Native Americans is hereby authorized for funding the amendment process described herein, and further authority is hereby provided for the creation of a budget and expenditure thereof in the event that funding is received, subject to the terms and conditions of the grant and review by the Tribe's Legal Department.
4. Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all document necessary to effectuate the intent of this Resolution.

The foregoing resolution was on March 15, 2007, duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (c), (i), (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

Kirk M. ...  
Chairman of the Tribal Council

Andy B. Harney  
Secretary of the Tribal Council