



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

**(Urging Congress to Amend Section 127 of the Adam Walsh Act )**

- 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**, according to Department of Justice statistics, 1 in 3 American Indian women will be sexually assaulted in her lifetime; and
- WHEREAS**, tribal governments are committed to fulfilling their responsibility to protect and promote public safety on tribal lands and a number of Tribes have developed innovative strategies for tracking sex offenders on tribal lands; and
- WHEREAS**, on July 27, 2006, Congress passed the Adam Walsh Act, which created a National Sex Offender Registry and Notification System; and
- WHEREAS**, Section 127 of the Adam Walsh Act addresses Tribes and was included without any hearings, consultation or consideration of the views of tribal governments and current tribal practices; and
- WHEREAS**, Section 127 forces tribal governments to affirmatively elect to comply with the mandates of the Act by July 27, 2007, or the state in which the tribe is located will be given jurisdiction to enforce the Act and would then have the right to enter tribal lands to carry out and enforce requirements of the Act; and
- WHEREAS**, tribal governments in the mandatory P.L. 280 states would be forced to relinquish civil jurisdiction to the states for limited purposed under the Act; and
- WHEREAS**, the Act requires Tribes who elect to comply with the Act, to maintain a sex offender registry that includes a physical description, current photograph, criminal history, fingerprints, palm prints, and a DNA sample of the sex offender; and
- WHEREAS**, the tribal provisions of the Adam Walsh Act make no reference to the National Tribal Sex Offender Registry authorized in Title IX of the reauthorization of the Violence Against Women Act passed in 2005 that was developed in consultation with tribal governments and is more consistent with principles of tribal sovereignty; and
- WHEREAS**, Congress has failed to appropriate any money to develop the National Tribal Sex Offender Registry, nor to assist Tribes into developing the systems necessary to comply

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with the mandates of the Adam Walsh Act and is unlikely to do so prior to the deadlines for Tribes to opt-in; and

**WHEREAS**, the Department of Justice has not yet issued and regulations or guidance for implementation of the Act and it seems increasingly unlikely that any such guidance will be promulgated prior to the deadline; and

**WHEREAS**, the provision in the Adam Walsh Act that gives states enforcement authority essentially delegates federal law enforcement authority on many reservations where no such delegation has occurred for any other area of law and states are not currently exercising criminal jurisdiction; and

**WHEREAS**, requiring Tribes to take action to avoid an expansion of state jurisdiction on tribal lands represents an unprecedented diminishment of tribal sovereignty and will likely result in an expansion of state jurisdiction that will unnecessarily complicate the already confusing system of criminal jurisdiction on tribal lands and diminish cooperation between states and Tribes on law enforcement; and

**WHEREAS**, the existing scheme of criminal jurisdiction on tribal lands is sufficient to fully enforce the registration requirements of the Adam Walsh Act without the provision delegating federal enforcement authority to the state in places where states do not currently have this authority.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it does hereby call upon the Congress to amend the Adam Walsh Act to remove the existing tribal provisions and engage in a process of consultation with tribal governments to determine how best to include tribal nations in the national sex offender registry.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it does hereby call upon the Congress to remove the arbitrary July 27, 2007, deadline for Tribes to elect to participate.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby calls upon Congress to appropriate sufficient funds for the development of the National Tribal Sex Offender Registry and for Tribes to develop registration systems that will comply with the mandated of the Adam Walsh Act.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the 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, and lobby the U.S. Congress for the amendment of Section 127 of the Act.

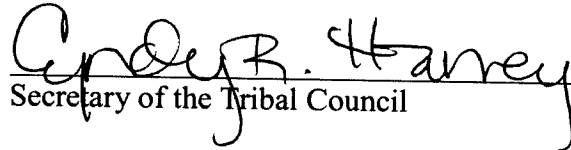
The foregoing resolution was on **MAY 8, 2007** duly adopted by a vote of **TEN** for and **ZERO** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe

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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).



Chairman of the Tribal Council



Secretary of the Tribal Council