



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

(Excluding Earl Pettit, Superintendent of the Whiteriver Unified School District, from the Fort Apache Indian Reservation)

WHEREAS, pursuant to Article IV, Section 1(a),(q) and 1(t) 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 including the removal or exclusion from the reservation of any non-member of the Tribe whose presence may be injurious to the people or property of the reservation; and

WHEREAS, pursuant to the Tribal Constitution and Government Code of the White Mountain Apache Tribe enacted pursuant thereto, the Tribal Council has the inherent and Constitutional “ authority and duty to initiate proceedings in order to protect its people, their natural resources, land, water rights, fish and wildlife, from any threat or conduct by non-members of the White Mountain Apache Tribe which might diminish, denigrate, damage, injure or threaten those natural resources or the social, cultural and economic well being of the people of the White Mountain Apache Tribe in any manner whatsoever;” and

WHEREAS, pursuant to Resolution No. 07-2007-289, entitled “Request to the Whiteriver Unified School District Not to Renew its Contract with Earl Pettit, and that the Arizona Superintendent for Schools Conduct an Independent Investigation into Certain Allegations,” the Tribal Council requested an investigation into the actions of Earl Pettit, Superintendent of the Whiteriver Unified School District, and that the School Board place Mr. Pettit on administrative leave, pending the outcome of the investigation and that Mr. Pettit be prevented from entering onto the lands of the Fort Apache Indian Reservation; and

WHEREAS, since the adoption of Resolution No. 07-2007-289, the Tribal Council has come to understand that Mr. Pettit has attempted to seek retaliatory termination of WUSD employees who signed a Petition requesting his termination; and

WHEREAS, the Tribal Council further understands that the School Board has not placed Mr. Pettit on administrative leave; and

WHEREAS, the WUSD has not undertaken any meaningful or substantive investigation, but instead has only submitted a letter dated August 21, 2007, requesting further information; and

WHEREAS, the Tribal Council finds that Mr. Pettit’s continued presence on the lands of the Fort Apache Indian Reservation to be offensive to tribal custom and traditions, and that his administration does not provide the level of education and support that is in the best interests of the White Mountain Apache Tribe, its enrolled members its children, or WUSD employees; and

Resolution No. 09-2007-353

WHEREAS, for the foregoing reasons, the Tribal Council finds that Mr. Pettit should be excluded from the Fort Apache Indian Reservation.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Mr. Pettit, a non-member, non-Indian is hereby determined to be a threat such that his continued conduct in his capacity as Superintendent and presence upon the Fort Apache Indian Reservation has, is, and will continue to diminish, denigrate, damage, injure or threaten the social, cultural and economic well being of the people of the White Mountain Apache Tribe, its enrolled members and children, and employees of the WUSD.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Mr. Pettit is hereby provided notice pursuant to this resolution that he is no longer welcome on the lands of the Fort Apache Indian Reservation and is accordingly demanded to exclude himself therefrom, and in the event that he does not,, the White Mountain Apache Tribe shall undertake any and all means to effect his exclusion from the Reservation pursuant to federal and tribal law.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribal Attorney's Office is hereby directed to undertake appropriate legal action against Mr. Pettit, including an expedited exclusion order pursuant to the Tribe's Government Code for Mr. Pettit's immediate removal from the lands of the Fort Apache Indian Reservation.

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 documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on September 5, 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), (q), (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).

Chairman of the Tribal Council

Cindy R. Harney
Secretary of the Tribal Council