



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

**(Authorizing and Approving an Audit and Recusal of Acting Chief Judge Reagan Armstrong from cases involving Wildlife & Outdoor Recreation Division (W&ORD))**

- 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,** the protection and preservation of natural resources including fish and wildlife on the Fort Apache Indian Reservation is of the utmost concern to the White Mountain Apache Tribe; and
- WHEREAS,** as an inherent aspect of Tribal sovereignty, the White Mountain Apache Tribe does regulate hunting, fishing and recreation on the Fort Apache Indian Reservation for the benefit of present and future tribal members; and
- WHEREAS,** the Wildlife & Outdoor Recreation Division (“W&ORD”) has the responsibility of enforcing the Game & Fish Code for the White Mountain Apache Tribe; and
- WHEREAS,** W&ORD has highly qualified and experienced Rangers who work hard to enforce the Game & Fish Code on behalf of the Tribe; and
- WHEREAS,** W&ORD has explained to the Tribal Council that non-members as well as tribal members have become more aggressive in violating the hunting, fishing and recreation regulations on the Fort Apache Indian Reservation and failure to hold who disregard the Game & Fish Code accountable in Tribal Court undermines W&ORD’s efforts and ultimately harms the Tribe; and
- WHEREAS,** if W&ORD is allowed to do its job without undue interference or bias, revenue from permits, fees and citations issued to non-members as well as Tribal members provides a valuable economical contribution to the Tribe; and
- WHEREAS,** the Tribal Council did appoint Reagan Armstrong as Acting Chief Judge on August 27, 2007 pursuant to Resolution 08-2007-343; and
- WHEREAS,** Acting Chief Judge Armstrong has been the Judge assigned to W&ORD cases in the White Mountain Apache Tribal Court; and
- WHEREAS,** W&ORD has requested that the Tribal Council remove the Acting Chief Judge Armstrong from handling cases involving W&ORD due to allegations of improper interference by Judge Armstrong and bias against W&ORD in court cases which may have negatively affected W&ORD’s ability to enforce the Game & Fish Code; and

**Resolution No. 07-2008-171**

**WHEREAS,** W&ORD has requested that the Tribal Council order an audit of W&ORD cases for the year of 2007 in the White Mountain Apache Tribal Court in order to determine whether or not W&ORD's ability to enforce the Game & Fish Code has been negatively impacted; and

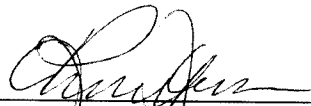
**WHEREAS,** the Tribal Council finds that it is in the best interest of the White Mountain Apache Tribe to authorize the Legal Department to conduct the audit with assistance as needed from the Tribal Court staff and W&ORD ; and

**WHEREAS,** the Tribal Council finds that it is in the best interest of the White Mountain Apache Tribe that Acting Chief Judge Reagan Armstrong be immediately recused from all W&ORD cases pending the outcome of the audit and that another Judge be assigned to hear W&ORD cases; and

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe authorizes and approves that:

1. The Legal Department of the White Mountain Apache Tribe is directed to conduct an audit of the year 2007 of W&ORD cases in the White Mountain Apache Tribal Court.
2. The White Mountain Apache Tribal Court and W&ORD are directed to cooperate fully with the Legal Department to facilitate the completion of this audit.
3. Acting Chief Judge Armstrong is hereby recused from involvement in all W&ORD cases effective immediately, pending the outcome of the audit.
4. The Chairman or in his absence, the Vice-Chairwoman is authorized to execute any and all documents to effectuate the intent of this Resolution.

The foregoing resolution was on July 28, 2008, duly adopted by a vote of NINE 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), (f), (h), (i), (o), (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).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council