



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

**(Removing Judge Armstrong Sr., for Gross Misconduct, Abuse of Office, and Neglect of Duty,
and Declaring Resolution No. 12-2011-231 Unconstitutional and Legally Invalid)**

WHEREAS, the Tribal Council ("Council") of the White Mountain Apache Tribe ("Tribe") is responsible for ensuring that the Tribal Constitution ("Constitution") of the White Mountain Apache people is enforced and applied equally to all Tribal members and branches of government seeking relief from any injustice that may be alleged to have occurred within the exterior boundaries of the Fort Apache Indian Reservation ("Reservation"); and

WHEREAS, whether the party in question is a Tribal Member, Public Official, Employee, or Government Agency should have no bearing on the judicial fairness that must be afforded all parties involved in a judicial hearing, pursuant to the *Judicial Code, Section 2.17 (C)* entitled "*Standard of Conduct of Judges, Fairness and Diligence*"; and

WHEREAS, specifically, *Section 2.17 (C)* of the *Judicial Code* states that:

- (1) A Judge shall respect and comply with the law and always conduct himself or herself in such a way as to promote respect for the law.
- (2) A Judge shall not let social relationships, his or her political or religious views, or criticism or praise influence the decisions he or she makes in Court.
- (3) A Judge shall be patient, courteous, careful, and conscientious in the performance of all official duties.
- (4) A Judge shall maintain order in the courtroom.

WHEREAS, under the guise of maintaining order (*see Section 2.17(C)(4)*) during a judicial "hearing" held on January 13, 2012, the White Mountain Apache Tribe and Election Commission were both denied a fundamental right to legal counsel and in doing so, the Court also managed to violate (*Section 2.17(C)(1, 2, and 3)*) by blatantly disregarding the Judicial Code, and ignoring the basic tenants of judicial fairness by failing to take his responsibility as a sitting Judge seriously, leading to a lack of confidence and faith by members of the Tribal Council and the public in the integrity of the Court; and

WHEREAS, members of the Tribal Council are also gravely concerned that the Judge's motivation to violate the Judicial Code and Constitution, as well as a failure to defer to the Election Code's standards setting the Election Commission as the highest and sole authority in administering the Election Code, may be political driven and therefore will set a dangerous precedent --*if no action is taken*-- that would authorize politically appointed judges to entertain political questions that are clearly intended to be resolved by members of the governing body, and not the Judiciary; and

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- WHEREAS,** another example of Armstrong’s inability to adequately carry out his duties as a judge, include issuing a politically driven Temporary Restraining Order based on an unconstitutional Resolution that purported to suspend the Chairman and was passed by candidates of the “opposition party” to Chairman Lupe, providing clear evidence that the judge is unfit to sit on the bench and unable to differentiate between political questions, out of the jurisdiction of the court, and legal issues of interpretation that may be considered for judicial review; and
- WHEREAS,** any attempts, prior or future, by members of the governing body to suspend a sitting member of the Tribal Council shall be hereby deemed as unconstitutional, without first establishing procedures as required by the Tribal Constitution, Article IV (s) a position supported by the Tribal Attorney’s legal opinion issued on December 8, 2011; and
- WHEREAS,** from this day forward, the Tribal Council shall resolve that any Resolution representing itself as suspending a member of the governing body without reference to established procedures, pursuant to Article IV Section (s) of the Constitution, will be ignored, declared unconstitutional, legally invalid, and have no legal binding force and to the extent that any agency or arm of the Tribe considers giving force to the unconstitutionally supported Resolution No. 12-2011-231, that Resolution shall be hereby rescinded by this Resolution; and
- WHEREAS,** consistent with the understanding that Resolution No. 12-2011-231 is constitutionally invalid, declared null and void and having no force by the Tribal Attorney’s Office, all Resolutions passed pursuant to actions of the illegitimate government established by that Resolution shall have no effect, thereby rescinding all such Resolutions to the extent that any member of the governing body, its agents, or other parties deem it legally valid; and
- WHEREAS,** Resolution No. 12-2011-233, appointing Judge Armstrong Sr., as Chief Judge, was passed illegitimately pursuant to the unconstitutional Resolution and therefore, all actions taken by Judge Armstrong in his capacity as “Chief Judge” shall be called into question and may be summarily dismissed as a matter of law; and
- WHEREAS,** for the reasons stated above, the Tribal Council of the White Mountain Apache Tribe finds it in the best interest of the Tribe to relieve Judge Armstrong of his duties pursuant to *Section 2.12 (B)* of the Judicial Code on “Forfeiture and Removal” ; and
- WHEREAS,** the Tribal Council further finds that given the urgency and timing of this situation, and because the Election Code mandates that the Tribal Primary Election occur on February 1, 2012, the Tribal Council shall consider this matter outside of a regularly scheduled Tribal Council meeting; and
- WHEREAS,** the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

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BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that for all of the reasons stated herein, it hereby relieves Mr. Reagan Armstrong Sr. of his responsibilities as a sitting judge for the White Mountain Apache Tribal Court.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby declares, that consistent with the opinion of the Tribal Attorney, a sitting member of the governing body may not be suspended without first establishing procedures, pursuant to *Section (s) of Article IV of the Constitution*, which would ensure that due process is afforded to any Tribal Council member that is alleged to have violated Tribal Law or otherwise acted outside the scope of their duties.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby rescinds any Resolutions, including Resolution No. 12-2011-231, that attempt to suspend a member of the Tribal Council without first establishing procedures that are consistent with the Tribal Constitution and Indian Civil Rights Act.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby declares any Resolutions passed at an informal or invalidly called meeting, or pursuant to the constitutionally invalid Resolution No. 12-2011-231 are hereby rescinded, legally invalid, and of having no force or legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

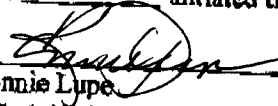
The foregoing resolution was on _____ duly adopted by a vote of _____ for and _____ against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (q), (r), (s), (t) and (u) of the Constitution of the Tribe, ratified by the 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).

Ronnie Lupe, Chairman of the Tribal Council


Mariddie J. Craig, Secretary of the Tribal Council

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Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. _____ initiated the _____ day of _____ 2011. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials


Ronnie Lupe
Tribal Chairman

1-25-12
Date Signed

 TCS Initials

Timothy Hinton Sr.
Vice Chairman

Date Signed

TCS Initials

Arnold Beach, Sr.
District I Council Member

Date Signed

TCS Initials


Gregg Henry
District I Council Member

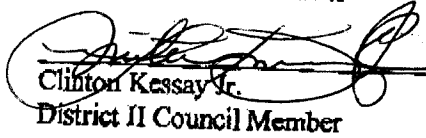
1/25/12
Date Signed

TCS Initials


Rubert Lupe Sr.
District II Council Member

Date Signed

TCS Initials


Clinton Kessay Jr.
District II Council Member

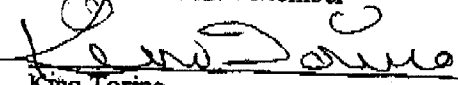
01-25-12
Date Signed

 TCS Initials

Alvin DeClay, Sr.
District III Council Member

Date Signed

TCS Initials


Kino Torino
District III Council Member


01-25-12
Date Signed

 TCS Initials


Justin Williams
District IV Council Member

Date Signed

TCS Initials


Cline Griggs
District IV Council Member

Jan 24 2012
Date Signed

 TCS Initials

Reno Johnson, Sr.
District IV Council Member

Date Signed

TCS Initials

ATTEST:

Mariddie J. Craig, Tribal Council Secretary

Date Signed