



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Instructing the Attorney General's Office to Initiate Proceedings to Permanently Exclude Non-member Anthony Koonce from the Fort Apache Indian Reservation)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation ("Reservation") provides, at Article IV, Section 1(q) that the Tribal Council ("Council") shall exercise the power "To enact ordinances providing for 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,** On December 12, 2010, via Resolution No. 12-2010-327, the Council enacted Ordinance No. 246, which amended Chapter Five of the Tribe's Government Code, and adopted the current exclusion provisions; and
- WHEREAS,** Section 5.5(C) of the Government Code provides that non-members of the Tribe may be excluded from the Reservation for committing any act that is a crime under state or federal law, or which would be a crime if the person were a member of a federally-recognized tribe of Indians; and
- WHEREAS,** Anthony Koonce was formerly married to a Tribal Member and has resided upon the Reservation sporadically; and
- WHEREAS,** Mr. Koonce is the subject of a federal complaint alleging three counts of severe and brutal domestic violence against his former spouse, for which he is currently incarcerated; and
- WHEREAS,** On June 3, 2019, the White Mountain Apache Tribal Court issued an Order of Protection against Mr. Koonce and on behalf of his former spouse based upon several recent instances of domestic violence committed by him against her; and
- WHEREAS,** A bench warrant was issued by the Tribal Court on March 2, 2018 against Mr. Koonce for his failure to appear in a juvenile matter for which he was summoned, which shows disrespect and disobedience to the Tribe's laws; and
- WHEREAS,** The Federal Court for the District of Arizona found that Mr. Koonce has a "serious methamphetamine addiction", which itself poses a threat to the public health and safety of the Reservation and the Tribe; and

Resolution No. 7-2019-131

WHEREAS, The foregoing facts lead the Council to the reasonable belief that Mr. Koonce's continued presence on the Reservation is injurious to the Tribe, and that he has committed acts upon the Reservation that constitute federal crimes, and that would constitute crimes under the Tribe's laws, were he a member of a federally-recognized tribe of Indians.

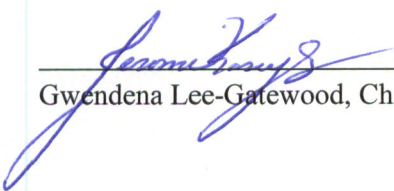
NOW THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Office of the Attorney General with the Office of the Prosecutor are hereby instructed to initiate proceedings in Tribal Court, pursuant to Chapter Five of the Tribe's Government Code, for the permanent exclusion of Anthony Koonce from the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no 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 supersede and govern over the conflicting subject matter.


BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her 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 JULY 3, 2019 duly adopted by a vote of ELEVEN for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Gwendena Lee-Gatewood, Chairwoman

15 Jul 19
Date



Doreen T. Numkena, Tribal Secretary

7-15-19
Date