



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Excluding Non-Member Andrew Swift from the Fort Apache Indian Reservation and Instructing the Tribal Prosecutor to File a Permanent Exclusion Action)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) 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-members of the Tribe whose presence may be injurious to the people or property of the reservation”; and

WHEREAS, Sections 5.4 and 5.5 of the Tribe’s Government Code provide that the interim exclusion or removal of a person who is not an enrolled member of the Tribe (“non-Tribal member”) can be ordered in cases where the individual committed an act which is a crime under state or federal law, until such time that a hearing on the matter can be held in Tribal Court; and

WHEREAS, Non-member, Andrew Swift (D.o.B. 5/5/78) brutally stabbed two Tribal-members in their home on or about October 20, 2020, causing grievous injuries to them, and then fled the scene of the crime; and

WHEREAS, Council finds that the grounds provided by Section 5.5(C) of the Tribe’s Government Code are met, and that excluding Mr. Swift from the Reservation is warranted because he poses an imminent threat to the safety of the residents of the Reservation and because he committed and act which is a crime under the laws of the Tribe and federal law.

NOW THERFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

1. Andrew Swift is hereby excluded from the Fort Apache Indian Reservation until such time that the Tribal Court holds a hearing on permanent exclusion, and may be held in Tribal custody for criminal charges, if applicable.
2. The Tribe’s Office of the Prosecutor is instructed to, timely, file a Petition for Permanent Exclusion of Non-member Andrew Swift in Tribal Court.

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.

Resolution No. 10-2020-257

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 **OCTOBER 30, 2020** duly adopted by a vote of **NINE** for, **ZERO** against, and **TWO** 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

11/2/2020

Date



Doreen T. Numkena, Tribal Secretary

11-2-2020

Date