05 MAY 1981

Area Tribal Operations Officer, Phoenix

SUBJECT: Listing of Tribal Business Managers, Executive Directors, Etc.

TO: Commissioner of Indian Affairs
   Attention: Tribal Government Services – Ms. Pat Simmons

In response to your telecon request of April 17, I provide the attached information relative to the above subject by Agency.

In addition to the above information also attached is the material regarding the White Mountain Apache Constitution. As stated last week, we have no record of Amendment No. 1; however, it appears that by Ordinance No. 59, the Tribe amended Section 1(d) of the Amended Constitution. Also attached for your information is a copy of Ordinance No. 3, which was rescinded by Ordinance No. 59.

I hope the above information will prove useful to your office.

Attachments
Memorandum

TO: Area Director
FROM: Superintendent, Fort Apache Agency

DATE: July 6, 1964

SUBJECT: Enrollment Requirements

As requested in your memorandum dated June 30, 1964, we are attaching three copies of Article III - Membership - of the Amended Constitution and Bylaws and three copies of Ordinance No. 3 of the White Mountain Apache Tribe.

We are in the process of bringing up-to-date the membership roll of the White Mountain Apache Tribe and hope to have it completed this year.

Robert E. Robinson

RECEIVED
JUL 7 1964
TRIBAL OPERATIONS
Section 1. The membership of the White Mountain Apache Tribe shall consist of:

(a) All persons of White Mountain Apache Indian blood whose names appear on the official census roll at Fort Apache Indian Agency, Whiteriver, Arizona, on January 1, 1938.

(b) All persons born prior to the date of approval of this amended constitution from marriages that were contracted before August 26, 1936, between enrolled Apaches and persons other than Apaches.

(c) All persons of one-half degree or more Apache Indian blood born to members of the White Mountain Apache Tribe prior to the date of approval of this amended constitution.

(d) All children of one-half degree or more of White Mountain Apache Indian blood born after the date of approval of this amended constitution to any member of the White Mountain Apache Tribe, provided that the parent, next of kin, recognized guardian, or person responsible for their care indicates a willingness to maintain tribal affiliation and to participate in tribal affairs by filing with the Tribal Council within one year after the birth of the child an application to have the child enrolled. The application shall be accompanied by the child's birth certificate or in the absence of a birth certificate by any other evidence as to the eligibility of the child for enrollment as the Tribal Council may require. If the certificate, other evidence, and application are not filed within the designated time the child shall not be enrolled.

Sec. 2. The Council shall have the power to pass ordinances which are consistent with and pursuant to this constitution governing future membership, loss of membership, and the adoption of members by the White Mountain Apache Tribe, subject to review and approval of the Secretary of the Interior.

Sec. 1. The membership roll of the White Mountain Apache Tribe shall be kept current by adding thereof the names of persons who qualify for membership and by deleting therefrom the names of persons who have relinquished their membership in the tribe. Upon receipt of death certificates of deceased members or other evidence of death satisfactory to the Tribal Council, the names of these deceased members shall be removed from the roll.
AN ORDINANCE TO GOVERN ADOPTING INTO THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

As it is enacted by the Council of the White Mountain Apache Tribal Council in regular meeting assembled on November 6, 1939.

Section 1. Any person of one-quarter or more Indian blood who desires to be adopted as a member of the White Mountain Apache Tribe of the Fort Apache Indian Reservation, shall make application by himself or herself or by his or her parent or guardian to the Committee on Membership which is established by Section 2, of this Ordinance.

Section 2. A membership committee consisting of three persons hereby established which shall consider and pass upon all applications for membership presented to the Tribal Council and shall conduct all such investigations of tribal status, degree of Indian blood and other characteristics of the applicants as the committee shall deem necessary in determining whether the applicants should be adopted as members of the Tribe.

Section 3. No person may be adopted into the Tribe unless he or she signs a written statement relinquishing all interests which he may have in tribal property or assets of any other tribe.

Section 4. Any applicant who holds any tribal land or any interests in tribal lands on any other reservation, shall surrender such holdings to the tribe having jurisdiction thereof if he or she desires to obtain tribal rights or assignments of land within the reservation of the tribe to which adopted. Allotted land or individual property acquired through inheritance from a member of any other tribe shall not be affected.

Section 5. In the event that any applicant is unwilling or unable to relinquish his interest in other tribal property or assets, as required in Section 3 and provided for in Section 4 of this Ordinance, such applicant may not be adopted as a member of the Tribe.

Section 6. All names of applicants presented to the Tribal Council for adoption shall be posted on the reservation for at least thirty days before final action is taken by the Council. A unanimous vote of the Tribal Council shall be final in the adoption of new members.

The foregoing Ordinance was on November 6, 1939, duly adopted by a vote of 9 for and 0 against, by the Council of the White Mountain Apache Tribe of the Fort Apache Reservation pursuant to authority vested in it by Article II, Section 3 of the Constitution and By-laws of the Tribe, ratified by the Tribe on August 16, 1938 and approved by the Secretary of the Interior on August 26, 1938 pursuant to Section 16 of the Act of June 25, 1934 (48 Stat. 984). Said Ordinance is hereby submitted to the Secretary of the Interior for his approval as required in Section 3, Article II, and will be effective when approved by him.

Exhibit C
Roe Clark
Chairman of Tribal Council

Lawrence Johnson
Secretary of Tribal Council

Esto Oliver

Silas Nepia

Vigyan Rolland

James Delinoe

Chief Baha

Witnesses:

Omera MoriseClerk

Omar Johnson Clerk

Both of Whiteriver, Arizona.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary

JAN 15 1939

The within ordinance is hereby approved, pursuant to Section 8, Article II of the Constitution of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, to be effective from November 6, 1939.

Oscar L. Chapman
Assistant Secretary
Mr. Robert E. Robinson
Superintendent, Fort Apache Agency

Dear Mr. Robinson:

We are enclosing a copy of Washington Office letter dated November 3, 1964 which refers to White Mountain Apache Tribal Council Ordinance No. 59 establishing requirements and procedures for the adoption of persons into tribal membership. The authority to pass favorably on ordinances has been delegated through Order 551, Amendment 45, so it was not necessary to send this to Washington for action.

The letter does establish a procedure to be followed whenever tribal actions are taken under those provisions of the constitution which specify that such actions are subject both to review and approval of the Secretary of the Interior. The interpretation here is that such actions shall be treated as being subject to Secretarial approval; time limitations shall not apply; and such enactments shall not be considered effective until they are approved by the Secretary or his authorized representative. This interpretation should be brought to the attention of the Tribal governing body.

We are enclosing copies of the ordinance—one bearing an original signature for the tribal records and one for your files.

Sincerely yours,

(sgd.) W. Wade Head

Area Director

Enclosures
cc: Budget, Credit, Forestry & Realty

Mail: 11/16/64
IN REPLY REFER TO:
Tribal Operations

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Washington, D. C. 20240

Mr. W. Wade Head
Area Director, Phoenix, Arizona 85011

Dear Mr. Head:

This refers to Superintendent Robert E. Robinson's letter of September 15, which recommends that favorable action be given to the White Mountain Apache Tribal Council's Ordinance No. 59.

Ordinance No. 59, which establishes the requirements and procedures for the adoption of persons into tribal membership, was duly enacted on September 3, 1964, by a unanimous vote of the White Mountain Apache Tribal Council. Article III, Section 2 of the tribe's constitution and bylaws, the authority under which the ordinance was enacted, provides, among other things, that an ordinance governing the adoption of members by the White Mountain Apache Tribe is "subject to review and approval of the Secretary of the Interior". (Underscoring supplied) The authority to pass favorably on tribal ordinances and resolutions, whether subject to Secretarial review or approval, has been delegated to Area Directors through Order 551, Amendment 45, Section 330 (14 I AM 3.1). However, the question does arise as to the proper handling of tribal enactments where the constitution specifies they are subject both to Secretarial review and approval.

In checking the constitution of the White Mountain Apache Tribe, it was found that it contains at least seven provisions in which the particular phraseology "review and approval" is used in lieu of either the word "review" or "approval". However, there is one instance where only the word "review" is employed, and two occasions where only the word "approval" is specified. In this connection, Article VI sets out the procedure to be followed in processing ordinances or resolutions which are subject to Secretarial review, but the constitution is silent on the manner in which enactments are to be handled which are subject to both review and approval. Granted, it is necessary that the Secretary or his authorized representative review any enactment before he approves it; but to avoid confusion in the future, tribal actions taken under those provisions of the constitution which specify that such actions are subject both to review and approval of the Secretary of the Interior shall be treated as being subject to Secretarial approval. This means that the time limitations specified in Article VI shall not apply, and such enactments shall not be considered effective until they are approved by the Secretary of the Interior or his authorized representative.
In line with this interpretation, Ordinance No. 59 became effective on September 17, 1964, the date the Acting Area Director approved the document, and no further action is required by this Office or the Office of the Secretary. We are returning a copy of the Superintendent's letter together with three copies of Ordinance No. 59. The date of approval and the signature of the approving officer should be affixed on the copies of the ordinance, one of which bearing an original signature should be forwarded to the White Mountain Apache Tribe.

We do want you to convey to Chairman Oliver and to the members of the White Mountain Apache Tribal Council our pleasure in learning of the tribe's progress in preparing a current membership roll.

Sincerely yours,

Sociate Commissioner

Enclosure 4
Through: Area Director, Phoenix
Commissioner of Indian Affairs
Washington, D.C. 20240
Attention: Tribal Operations

Sir:

Ordinance No. 59 has been adopted in order to complete the tribal membership roll. Special clerical assistance has been obtained in the tribal office and the Tribe is in the process of carrying out the recommendations of Mr. Paul Brill, Enrollment Officer, Albuquerque, New Mexico.

The ordinance was drafted by Mr. Brill and adopted as drafted by the Tribal Council of the White Mountain Apache Tribe. Mr. Brill and the Tribal Council are to be commended for their interest and efficiency in getting this very important program off the ground. It is anticipated that within six months the White Mountain Apaches will have their tribal membership roll up-to-date.

Ordinance No. 59 was posted for the ten-day period as required by the White Mountain Apache Tribal Constitution and By-Laws, and duly enacted by the Tribal Council on September 3, 1964, pursuant to authority vested in it by Article III, Section 2, of the Tribal Constitution. Under this authority, the ordinance is subject to approval, and I hereby recommend that it receive favorable action.

Sincerely yours,

[Signature]

Superintendent

Approved: SEP 17 1964

[Signature]

Area Director
ORDINANCE OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

TO ESTABLISH THE REQUIREMENTS AND PROCEDURES FOR ADOPTING PERSONS INTO MEMBERSHIP
WITH THE WHITE MOUNTAIN APACHE TRIBE

WHEREAS, the White Mountain Apache Tribal Council on November 6, 1939, enacted Ordinance No. 3 to provide for the adoption of persons into membership with the White Mountain Apache Tribe, and

WHEREAS, the Tribal Council believes that the requirements for adoption contained in Ordinance No. 3 are not now acceptable, and

WHEREAS, most if not all Apache children born since May 29, 1958, do not meet the requirements for membership contained in Article III, Section 1 (d) of the amended Constitution and By-Laws because their parents or guardians have not filed applications for enrollment within one year of the date of their births, and

WHEREAS, some provision must be made for these children, who through no fault of their own, will be denied membership with the White Mountain Apache Tribe.

BE IT ENACTED that Ordinance No. 3 is hereby rescinded and the following requirements substituted in lieu thereof to provide for the adoption of children born since May 29, 1958, into tribal membership.

Section 1. Children of one-half degree or more White Mountain Apache Indian blood, born after May 29, 1958, to any member of the White Mountain Apache Tribe who submit to the Tribal Council or have submitted in their behalf the documents listed below, may upon a (majority) vote of the White Mountain Apache Tribal Council, be adopted into tribal membership:

(a) An application for enrollment.

(b) A birth certificate or other acceptable evidence of birth and natural parentage.

Section 2. The effective date of enrollment of individuals taken into tribal membership under the provisions of this ordinance shall be the date of the Tribal Council action approving the adoption.
The foregoing Ordinance No. 59 was on September 3, 1964 duly enacted by a vote of 9 for and 0 against by the Council of the White Mountain Apache Tribe pursuant to authority vested in it by Article III, Section 2 of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe on June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

Chairman of the Tribal Council

Mary C. Endfield
Secretary of the Tribal Council

Pursuant to Order 551, Amend. 33
Approved: September 17, 1964
Walter O. Olson
Acting Area Director

Ordinance No. 59