

**REPORT  
OF THE  
INDEPENDENT INVESTIGATION  
INTO ABSENTEE BALLOT-TAMPERING  
AND VOTING FRAUD  
IN THE TRIBAL COUNCIL ELECTIONS  
OF THE  
WHITE MOUNTAIN APACHE TRIBE**

**Submitted to the Tribal Council**

**By**

**TROY A. EID**

**Independent Counsel  
to the White Mountain Apache Tribe**

**Whiteriver, Arizona  
March 2, 2010**

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March 2, 2010

Tribal Council  
White Mountain Apache Tribe  
P.O. Box 700  
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To the Honorable Chairman, Vice-Chairman and Members of the Tribal Council of the White Mountain Apache Tribe:

The Tribal Council appointed me on February 16, 2010 to serve as INDEPENDENT COUNSEL TO THE WHITE MOUNTAIN APACHE TRIBE. The Tribal Council charged me with conducting a fair, impartial and independent investigation into allegations of alleged absentee ballot-tampering and voting fraud in the February 3, 2010 primary election.

I respect and appreciate the Council's confidence in me. What follows is the report of my independent investigation. A few brief explanations about my investigative findings and how the investigation was conducted:

**INVESTIGATIVE FINDINGS:** Based on the evidence currently available to me, **I conclude that probable cause currently exists that four of the five Tribal employees engaged in criminal violations of the Election Code.** In each of those instances, I recommend that they be criminally prosecuted in the Tribal Courts of the White Mountain Apache Tribe. These matters should be the subject of continued investigation and cooperation with other jurisdictions as needed. The evidence also shows that **all five of the suspended Tribal employees violated the Tribe's Personnel Policies and Procedures Manual and, in light of the severity of these violations, should be immediately terminated.**

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BOSTON  
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SHANGHAI  
SILICON VALLEY  
TALLAHASSEE  
TAMPA  
TOKYO\*  
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WASHINGTON, D.C.  
WEST PALM BEACH  
ZURICH

\* Strategic Alliance

**WHAT HAPPENS NEXT?** The Tribal Council will decide what if anything happens next. My own role in this investigation ends today unless otherwise determined by the Tribal Council and agreed to by me.

**CONFIDENTIALITY:** In order to protect confidential sources, my report does not identify any individual names except for certain exhibits. This information will be made available only to the appropriate law enforcement agencies. In keeping with the Tribal Council's direction, this report does refer by job title to each of the five Tribal employees suspended without pay on February 2, 2010 for their alleged involvement in the scheme.

**TIMING OF THIS REPORT:** The Tribal Council directed me to conduct an independent investigation and determine whether any criminal laws were violated in connection with the absentee ballot voting scheme, and also whether any Tribal Personnel Policies were broken by any of the five suspended Tribal employees. I am submitting my report today as requested by the Election Commission when we met on February 18, 2010. The timing of the Independent Counsel's report gives the Tribal Council time to consider possible changes to the Election Code related to absentee ballots and the absentee-voting process in time for the April 7, 2010 General Election.

**SCOPE OF THIS INVESTIGATION:** This investigation was conducted according to White Mountain Apache Tribal law and has a criminal and civil component.

First, Section 5.2(G) of the WMAT Election Code provides that voting fraud is a misdemeanor crime. Individuals convicted of such fraud shall be subject to a fine not to exceed \$1,000 or jailed for not more than 180 days or both.

Second, the participation by Tribal employees in such a scheme is also grounds for discipline, up to and including termination, under the Tribe's Personnel Policies and Procedures Manual. This is so regardless if they are ever criminally prosecuted or whether probable cause exists. Moreover, because all five Tribal employees have been suspended but not terminated, their failure to cooperate with this official investigation may also be grounds for discipline, up to and including termination.

### **SUSPENDED EMPLOYEES' FAILURE TO COOPERATE:**

Immediately after the Tribal Council appointed me and continuously thereafter, my staff and I – with support from the Chairman and the Tribal Attorney's Office – attempted to interview each of the five suspended Tribal employees. All five employees were aware of this investigation, but none stepped forward to be interviewed by me or cooperated in any other way.

Due to their lack of cooperation, I formally requested the Tribal Prosecutor seek investigative subpoenas from the Tribal Court, which I concluded would have required each of the five suspended Tribal employees to appear for questioning. However, the Tribal Prosecutor concluded that he did not have the legal authority under the WMAT Constitution or Tribal Code to seek administrative or criminal subpoenas.

Because subpoenas – a standard investigative tool routinely granted by other Indian tribes and nations to tribal prosecutions – were not available to me, I encouraged the five suspended Tribal employees to comply voluntarily with the independent investigation. My staff and I informed them of their right to be represented by attorneys or lay advocates.

In sum, **the five suspended Tribal employees' decision not to cooperate with this investigation was solely their own responsibility, not the Tribal Council's or mine.** However, it is extremely important to bear in mind that each of the five suspended Tribal employees is presumed innocent of crimes under the Election Code unless and until proven otherwise in the Tribal Courts of the White Mountain Apache Tribe.

**WHAT ABOUT ABSENTEE-VOTING IN THE APRIL 7 GENERAL ELECTION?** Fraudulent vote-buying schemes where voters are pressured or offered money or other inducements in exchange for casting and returning their absentee ballots – such as the plot pursued by “JKW Inc.” and its leaders and supporters – are *already* illegal under Section 5.2(F) of the Election Code. And Section 2.1(B)(6) already empowers the Election Commission to “[e]nforce this Election Code and rules and regulations promulgated pursuant thereto.”

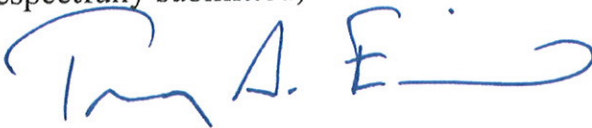
**Accordingly, if the Election Commission determines that vote-buying schemes are or may be occurring in connection with the April 7 election, the Tribal Council should use its existing powers to support immediate enforcement action as provided in Section 2.1(B)(6). The Council**

should clarify that it expects the Tribal Attorney's Office to enforce the Code on behalf of the Election Commission consistent with the findings and legal conclusions contained in this independent report. The Tribal Attorney should continue to seek outside legal advice on criminal investigative matters.

Finally, I understand that the Election Commission is proposing other safeguards in its rules, policies and procedures to prevent absentee ballot fraud, ballot-tampering, and vote-buying. I strongly recommend that the Commission present these proposals to the Tribal Council in time for the General Election and that the Tribal Council act swiftly on these proposals.

**CONCLUSION:** It is my privilege to serve the people of the White Mountain Apache Nation in this independent investigation. I earnestly hope that the findings and recommendations contained in this report will strengthen public confidence in the April 7, 2010 general election, and will result in much-needed reforms to prevent political corruption and protect the voting rights of all Tribal members. *Ah'shont.*

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Troy A. Eid", with a stylized flourish at the end.

Troy A. Eid  
Independent Counsel to the White Mountain Apache Tribe  
Shareholder, Greenberg Traurig LLP  
Former United States Attorney for the District of Colorado (2006-09)  
State Personnel Director, State of Colorado (2001-03)

## EXECUTIVE SUMMARY

1. **QUESTION:** Does probable cause exist that certain employees of the White Mountain Apache Tribe knowingly engaged in a criminal scheme involving “JKW Inc.” to commit absentee-voting fraud in the February 3, 2010 Tribal Council election in violation of the WMAT Election Code (the “Election Code”)?

**ANSWER: YES.** There is probable cause that four Tribal employees of the five suspended without pay by the Tribal Council on February 2 played leadership roles in a fraudulent absentee ballot voting scheme (“the Scheme”), in violation of Section 5.2(F)(2) and (3) of the Election Code. The four are the Human Resources Director, Assistant Planner/Planning Department, Fort Apache Timber Company General Manager, and the Director of Apache Tribal Enterprise. The fifth suspended employee, the Tribal Treasurer, was also actively involved in the Scheme, but the currently available evidence in her case does not establish a finding of probable cause.

2. **QUESTION:** Did the Scheme knowingly perpetuated by these same four Tribal employees hinder or interfere the voting rights of other Tribal members and otherwise violate Sections 5.2 of the WMAT Election Code?

**ANSWER: YES.** Probable cause exists to believe that the Tribal employees’ active participation in the Scheme deprived fellow Tribal members of their protected voting rights while undermining the integrity of the absentee-voting process – and ultimately the election itself. It also appears that some voters’ absentee ballots may have been voted by unknown third parties without their knowledge or consent.

3. **QUESTION:** Did the five suspended Tribal employees’ conduct in pursuing the Scheme violate the Personnel Policies and Procedures Manual of the White Mountain Apache Tribe (“WMAT Personnel Policies”)?

**ANSWER: YES.** Regardless if the four Tribal employees are criminally prosecuted in connection with their leadership roles in the Scheme, their actions violated WMAT Personnel Policies and, given their severity, are grounds for termination.

## **INDEPENDENT INVESTIGATIVE FINDINGS AND CONCLUSIONS OF LAW**

### **Criminal Violations**

1. The “JKW Inc.” absentee ballot voting scheme clearly violated the Election Code of the White Mountain Apache Tribe.
2. The participants in that scheme – individually and in some cases acting in a conspiracy – knowingly devised a comprehensive plan to avoid or circumvent the Election Code’s requirements in Section 5.3(A)(1). This so-called “legal loophole” provides:

Any eligible voter who wishes to vote early . . . may request an absentee ballot by either coming in person to the office of the Tribal Council Secretary, or by sending a letter to the Election Commission. A person requesting an absentee ballot shall identify himself or herself using the name under which he or she registered and shall state the district in which he or she is registered.

3. This “legal loophole,” however, is not nearly as large as the creators of the “JKW Inc.” absentee ballot voting scheme apparently hoped. This is because another provision of the Code, Section 5.2(F)(3), expressly provides:

A person is guilty of violation of this code who: . . .  
Hinders the voting of others. . . .

4. The leaders who knowingly created and implemented the “JKW Inc.” absentee ballot scheme hindered or interfered with the voting of other White Mountain Apache Tribal members in several ways, all in violation of Section 5.2(F)(3).
5. First, the overwhelming evidence reveals that the Tribal employees who helped invent and run the “JKW Inc.” absentee ballot voting scheme – and the political operatives they directly controlled and compensated – offered money, alcohol, cigarettes, promises of future employment, and

other inducements to potential absentee voters in exchange for their votes. These inducements obviously hindered the right of these voters to be free from such political influence.

6. The evidence also shows that the “JKW Inc.” scheme was never intended to create an equal, impartial and politically neutral opportunity to increase voter turnout among all eligible voters. In other words, this was not an attempt at “good government” designed to assist all voters and strengthen the franchise.
7. Instead, political operatives associated with “JKW Inc.” carefully managed the entire process of requesting, distributing and collecting absentee ballots for the direct political benefit of particular candidates. It is reasonable to assume that the people directing this scheme would not have hidden their actual identities behind a non-existent company, “JKW Inc.,” had they been motivated by something other than personal gain and self-aggrandizement. Their actions, individually and collectively, plainly hindered and interfered with the voting of others.
8. Moreover, the evidence overwhelmingly shows that the five Tribal employees suspended by the Tribal Council on February 2, 2010 directly supervised and compensated those same political operatives with money, alcohol, promises of future employment, and other inducements. This, too, hindered “the voting rights of others” as prohibited by Section 5.2(F)(2) of the Election Code by interfering with the rights of *all* voters to exercise their own votes free of political influence or interference.
9. The “JKW Inc.” scheme also violated Section 5.2(F)(2) of the Election Code, which provides:

A person is guilty of violation of this code who: . . . Not being entitled to vote, knowingly votes. . . .

10. In some cases, “JKW Inc.” political operatives reportedly obtained absentee ballots that individual voters insist they never requested. As part of this fraudulent scheme, these same ballots were later notarized without the voters being present or producing valid identification and returned to the Election Commission by “JKW Inc.” operatives, again without the voter’s consent or knowledge.

11. Section 5.2(G) of the Election Code provides that individuals convicted of voting fraud shall be subject to a fine not to exceed \$1,000, or jailed for not more than 180 days, or both. It is extremely important to bear in mind that each of the five suspended Tribal employees is presumed innocent of crimes under the Election Code unless and until proven otherwise in the Tribal Courts of the White Mountain Apache Tribe.
12. The Independent Counsel also concludes that a reasonable interpretation of the Election Code should permit at least as much protection for nomination petitions for Chairman, Vice Chairman, and Tribal Council Member candidates as it does for absentee ballots. Sections 4.5 and 4.6 provide that such petitions “shall be released to the candidates only, and not to any person acting on behalf of any candidate.”
13. The Code’s mandatory requirement for candidate petitions similarly suggests that as a matter of policy, absentee ballots must only be released to individual voters at their legal residences or post office boxes, and not to third parties such as “JKW Inc.” and its political operatives. This reading is consistent with the requirement in Section 5.3(A)(1), which requires the person requesting an absentee ballot to go to the Election Commission in person or send a letter – presumably so that the ballot can be sent to them personally, not sent to a third party.

#### **Violations of WMAT Personnel Policies**

14. The evidence also clearly shows that all five of the suspended Tribal employees violated Sections IX (B)(1) and (6) of the WMAT Personnel Policies and Procedures Manual (“Personnel Policies”).

15. Section IX (B)(1) provides:

Employees shall conduct themselves in a professional manner at all times. Employees shall avoid any action, which may result in, or create the impression of, using public office for private gain. . . .

16. Section IX (B)(5)(b) provides:

Employees may not: (1) Use his or her official authority or workplace for the purpose of interfering with or

affecting the result of an election or nomination for office with the White Mountain Apache Tribal government. (2) Directly or indirectly coerce, attempt to coerce, command, or advise a fellow employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person in furtherance of a partisan political purpose. (3) Engage in any political activity during scheduled working hours or at the workplace.

17. Section IX (C) lists numerous specific causes for disciplinary action, several of which the five suspended Tribal employees have violated in connection with their respective roles in the "JKW Inc" voting scheme. These include gross neglect of duty as defined in Section IX (C)(1)(a); inducing or attempting to induce other Tribal employees commit acts that violate Tribal laws and policies pursuant to Section IX (C)(1)(f); improper use of political influence as outlined in Section IX (C)(1)(g); and – in the case of three of the five employees (the Human Resources Director, Assistant Planner, and FATCO General Manager) – abuse of Tribal computers, fax machines, copiers, phones and other office equipment in Section IX (C)(1)(q).
18. Additionally, all five suspended employees have engaged in blatant insubordination and failure to use the appropriate chain of command Section IX (C)(1)(b) by failing to obey the instructions of the Chairman and Tribal Council to cooperate with this independent investigation.
19. In light of these multiple causes for disciplinary action, and regardless if any criminal cases are ever prosecuted by the Tribe, the Independent Counsel recommends that all five suspended employees be terminated immediately from the positions of leadership and trust they currently occupy with the Tribe.

#### **The April 7, 2010 General Election**

20. Looking ahead to the April 7, 2010 General Election, it is clear that the absentee-voting process needs to be handled differently.
21. First, vote-buying schemes where voters are pressured or offered money or other inducements in exchange for casting and returning their absentee

ballots – such as the plot pursued by “JKW Inc.” and its leaders and supporters – are *already* illegal under Section 5.2(F) of the Election Code.

22. Second, Section 2.1(B)(6) already empowers the Election Commission to “[e]nforce this Election Code and rules and regulations promulgated pursuant thereto.”
23. Accordingly, if the Election Commission determines that vote-buying schemes are or may be occurring in connection with the April 7 election, the Tribal Council should use its existing powers to support immediate enforcement action as provided in Section 2.1(B)(6).
24. The Council should clarify that it expects the Tribal Attorney’s Office to enforce the Code on behalf of the Election Commission using the investigative findings and conclusions of law contained in this independent report.
25. The Tribal Attorney should retain and use outside counsel as needed to assist with this enforcement effort on behalf of the Election Commission up to and during the April 7, 2010 General Election, and to assist with criminal investigative matters.
26. Finally, I understand that the Election Commission is proposing other safeguards in its rules, policies and procedures to prevent absentee ballot fraud, ballot-tampering, and vote-buying. The Commission briefed me on those proposals on February 18, 2010, and they sounded very encouraging.
27. I strongly recommend that the Commission present these proposals to the Tribal Council in time for the General Election. The Tribal Council should act swiftly to enact these proposals and, through the Commission and the Tribal Attorney’s Office, enforce them fairly and impartially.

## **TIMELINE OF THE "JKW INC." VOTING SCHEME**

### **January 4, 2010**

- First day that absentee ballots are available to be mailed out in the February 3, 2010 primary election for Tribal Council.
- Absentee ballot request form letter – dated January 12, 2010 and requesting that individual voters' absentee ballots be sent to JKW Inc., P.O. Box 879, Fort Apache, Arizona 85926 (the "JKW Inc. Form Letter") – is created as Word document "January 04.doc" on or about this date. The document is obtained from the hard drive of the Assistant Planner's password-protected office computer. **SEE EXHIBIT A.**

### **January 13, 2010**

- The JKW Inc. Form Letter is forwarded by email as a Word document attachment at 1:18 p.m. from the password-protected office computer of the Assistant Planner to the Human Resources Director's password-protected office computer.
- The U.S. Postmaster at Fort Apache Post Office approves the rental of Post Office Box 879 by "JKW Inc." and the Director of Apache Enterprise. The completed application on Form 1093, later obtained by the Independent Counsel, is signed by the Director of Apache Enterprise, gives his driver's license, home address and phone number, and indicates that the box is for "Business/Organization Use." A second Tribal member, who is associated with the Enterprise Director but is not a Tribal employee, is listed as the "authorized representative" to have access to the box. **SEE EXHIBIT B.**
- The Postmaster later states that she did not verify the actual existence of "JKW Inc." as a corporation under Arizona or White Mountain Apache Tribal law. Subsequent investigation reveals no such company is incorporated or chartered in either jurisdiction. An eyewitness says he later follows the Apache Enterprise Director into the Fort Apache Post Office and sees him open P.O. Box 879.

### **January 20, 2010**

- At 3:10 p.m., seven completed JKW Inc. Form Letters are faxed using the Health Benefits Office fax machine/phone line to the Tribal Council Secretary's fax machine/phone line. These purportedly signed JKW Inc. Form Letter requests are: One request from District 2 (VOTER 7); two requests from District 3 (VOTERS 13, 14); and four requests from District 4 (VOTERS 23, 24, 25, 26). Ballots are subsequently mailed to JKW Inc. at P.O. Box 879 at the Fort Apache Post Office via U.S. mail, and later mailed back to the Election Commission's post office box.
- Four completed JKW Inc. Form Letters from District 3 – each purportedly signed by VOTERS 15, 16, 17 and 18 – are faxed at 4:00 p.m. using the Personnel Department's phone line to the Tribal Council Secretary's fax machine and phone line. Ballots are mailed via U.S. mail to VOTERS 15, 16, 17 and 18 later that day to "JKW Inc., P.O. Box 879, Fort Apache, Arizona 85926". Completed absentee ballots from VOTERS 15, 16, 17 and 18 are later mailed to the Election Commission.
- The evidence shows that several JKW Inc. Form Letters sent to various other individuals were printed using paper – including previously used fax cover sheets dated January 20, 2010 – obtained from Tribal offices.

### **January 25, 2010**

- Using his password-protected office computer, the General Manager of the Fort Apache Timber Company creates a campaign advertisement for *The Scout* on behalf of one of the candidates in the Primary Election as a Word document, then emails it at 3:53 p.m. with instructions for publication. This on-line editing continues on the next business day in a 10:26 a.m. email.
- Also today, a candidate for one of the Tribal Council seats is approached about participating in the voting scheme and given a blank copy of the JKW Inc. Form Letter, but refuses to participate. The letter is identical in appearance and content to the one created on January 4, 2010 on the Assistant Planner's computer and emailed to the Human Resources Director on January 13.

## January 26, 2010

- Using the fax machines and phone lines of the Personnel Department and the Health Benefits Line, eight completed JKW Inc. Form Letters are faxed at 11:48 a.m. to the Tribal Council Secretary's fax machine and phone line. Four of these purportedly signed request letters are from District 3 (VOTERS 38, 39, 40 and 43); the other are from District 4 (VOTERS 65, 66, 67 and 68).
- Later that same day, at 2:08 p.m., another completed and purportedly signed JKW Inc. Form Letter – this one from District 4 (VOTER 71) – is faxed using the Personnel Department's fax machine/phone line to the Tribal Council Secretary's fax/phone line.
- Several witnesses state that on or prior to this same date, a Tribal fax machine was stolen and removed from Tribal offices. At 2:02 p.m., four completed and purportedly signed JKW Inc. Form Letter requests were faxed from an undisclosed location to the Tribal Council Secretary's phone/fax. It appears that this stolen Tribal fax machine may have been used to make this request, although further investigation is needed. There were also reports that additional Tribal fax machines may have been stolen.
- All these requests were from District 4, although only three are listed as actual voters (VOTERS 58, 69, 70). The fourth completed JKW Inc. Form Letter is purportedly signed by a Tribal member whose name and number does not appear on the official Election Commission voting rolls (VOTER X).
- Also beginning on January 26, and continuing to January 29, certain evidence suggests that the Tribal Treasurer and the Apache Enterprise Director – in furtherance of the "JKW Inc." voting scheme – were directly involved with campaign operatives delivering absentee ballot information in exchange for money. Completed absentee ballot request forms collected today with actual ballots then mailed to P.O. Box 879 – 21 in all – are to be "drop[ped] off with [the Tribal Treasurer]" at her office. This evidence includes but is not limited to electronic sources of information.

- The Independent Counsel strongly recommends that the Tribal Council approve further investigation into this specific evidence beyond the release date of this report, and cooperate as needed with other authorities having appropriate jurisdiction.

### **January 27, 2010**

- Today is the legal deadline for absent ballot requests sent to the Election Commission to be received by the Commission. The Commission today receives 27 requests for absentee ballots by persons purporting to have signed the JKW Inc. Form Letter.
- Under the Election Code, any request for an absentee ballot made after January 27 must be made in person at Tribal headquarters. The Tribal Council Secretary does not remember a single voter requesting an absentee ballot in person after January 27.
- The Tribal Council Secretary continues to receive faxed requests for absentee ballots throughout the day and as late as February 1, including requests on the JKW, Inc. Form Letter as well as other requests. The last absentee ballots are mailed on January 29 for requests that arrived on or prior to January 27. The Tribal Council Secretary says she does not remember if she sent any ballots to voters faxing requests after January 27.
- A fax is sent from a campaign activist to the Assistant Planner and Tribal Council Secretary at 4:49 p.m, requesting absentee ballots for eight individuals. These include five voters in District 1 (and including VOTERS 11, 12 and 16) – all purportedly signed on JKW Inc. Form Letters provided to the Election Commission. The fax cover sheet states: “I am faxing you the request forms for absentee-signature’s [sic]. Call [NAME REDACTED] and let her know you received them.”
- In the afternoon, the Human Resources Director contacts a fellow Tribal official to “find out why the attorneys are holding up the absentee ballots.” According to this source, the Human Resources Director stated that “they [the Tribal Council] should put me on the Election Commission because I always find loopholes that no one else did.”

### January 29, 2010

- The last absentee ballots are postmarked on January 29 for requests that arrived on or prior to the January 27 cutoff, according to the Election Commission.
- The Tribal Council Secretary believes the Election Commission received “maybe 70” total requests for absentee ballots on the JKW Inc. Form Letter as of today. The actual number is 72. By comparison, the largest other request for absentee ballots is for three ballots and was made from a single off-reservation household in Nevada.
- This is also the first time anyone recalls that a company, “JKW Inc.,” is being used in connection with absentee-voting. In the past, everyone agrees that absentee ballots were mailed to individual voters at their legal residences or post office boxes.
- No attempt is made to verify whether JKW is a company under Tribal or Arizona law, or to request information from the U.S. Postal Service as to who is renting P.O. Box 879.
- Moreover, little or no attempt is made to verify and match the actual signatures on the JKW Inc. Form Letter with voters’ signatures on file with the Election Commission before these individuals received ballots distributed through P.O. Box 879 and later returned to the Election Commission.
- In the meantime, a political operative for one of the candidates (“CAMPAIGN OPERATIVE 1”) comes to the District 4 home of VOTER 69. He delivers a manila envelope from the Election Commission postmarked at Fort Apache that same day. The envelope is addressed: “JKW Inc. Attn: [VOTER 69’s NAME], P.O. Box 879, Fort Apache, AZ 85926.” Inside is a stamped return-envelope addressed to the Election Commission along with an absentee ballot and instructions. VOTER 69 tells CAMPAIGN OPERATIVE 1 that she did not request an absentee ballot. Several other Tribal members report similar visits by CAMPAIGN OPERATIVE 1 on or about this date.

- On or about this date, CAMPAIGN OPERATIVE 1 – using a personal car provided to him by the General Manager of the Fort Apache Timber Company for this purpose and registered in the State of New Mexico – delivers numerous other absentee ballots – each sent to the JKW Inc. post office box in Fort Apache – to other Tribal members. Numerous witnesses later positively identify this car and CAMPAIGN OPERATIVE 1's use of it and others in furtherance of the absentee-voting scheme. *SEE EXHIBIT C.*
- Several witnesses report that CAMPAIGN OPERATIVE 1 promised them money, alcohol and/or cigarettes in exchange for completing and signing the JKW Inc. Form Letter requesting absentee ballots, and more money/inducements if they voted for certain candidates.
- On or about this day and on several occasions, CAMPAIGN OPERATIVE 1 and another activist ("CAMPAIGN OPERATIVE 2") return completed ballots to the Human Resources Director in her office, pick up completed JKW Inc. Form Letters there, and receive specific instructions from the Human Resources Director on how to carry out the absentee-ballot voting scheme.
- CAMPAIGN OPERATIVE 2 reports that the Human Resources Director repeatedly stated that he and CAMPAIGN OPERATIVE 1 would be paid and otherwise compensated for their services, and in fact were provided money and alcohol in furtherance of the scheme. CAMPAIGN OPERATIVE 2 and other witnesses involved in the scheme report similar promises of future employment and other inducements.
- CAMPAIGN OPERATIVE 2 further states that the Human Resources Director specifically instructed them, in her office during working hours, to have ballots notarized by the Assistant Planner. In some cases, voters report that they saw the Assistant Planner in person when she notarized their absentee ballots; in other cases voters were not present when the Assistant Planner notarized their ballots.
- After her suspension by the Tribal Council, the Assistant Planner removed her Notary Public logbook (Commission No. 299362 on the Arizona Secretary of State Notary Public System) from her Tribal office.

- Arizona law requires a notary public's logbook be available for inspection. However, despite her status as a Tribal employee – and despite a request letter to her from the Tribal Attorney's Office on February 18, 2010 – the Assistant Planner has not provided her Notary Public logbook or any other information to this investigation.

### **February 1, 2010**

- On the morning of February 1, a witness states that the Human Resources Director approaches her at work. The Human Resources Director shows this witness a manila envelope that has not yet been sealed containing an absentee ballot.
- The Human Resources Director states that if the witness knows supporters of certain candidates in the election, "Send them to me and I will give them absentee ballots." The Human Resources Director adds that she would then give the completed ballots to the Assistant Planner "who will notarize them without asking for identification." Other contemporaneous evidence corroborates this witness' version of events.
- Meanwhile, CAMPAIGN OPERATIVE 1 continues to drive the car belonging to the FATCO General Manager in furtherance of the absentee ballot voting scheme.
- According to numerous eyewitness accounts, CAMPAIGN OPERATIVE 1 on or prior to this date collects absentee ballots from individual voters. All these ballots had originally been sent to JKW Inc.'s post office box. CAMPAIGN OPERATIVE 1 delivers some of these ballots directly to the Whiteriver Post Office, where he mails them. In other cases, CAMPAIGN OPERATIVE 1 reportedly carries ballots that have not been notarized directly to the Human Resource Director in her office.
- The Human Resources Director, in turn, instructs CAMPAIGN OPERATIVE 1 on how these ballots should be notarized by the Assistant Planner – outside the presence of the purported voter. CAMPAIGN OPERATIVE 1 also brings some individual voters with him as passengers in the FATCO General Manager's vehicle and takes them to Tribal headquarters so that the Assistant Planner can notarize their ballots.

- Shortly after noon, CAMPAIGN OPERATIVE 1 drives the vehicle belonging to the FATCO General Manager and stops at the Whiteriver Post Office in order to mail completed absentee ballots originally addressed to “JKW Inc.”/P.O. Box 879, Fort Apache” back to the Election Commission. Numerous witnesses, including persons who rode in this care, have positively identified it.
- When CAMPAIGN OPERATIVE 1 enters the post office at the Whiteriver Commercial Center, a passenger who has been riding in the FATCO General Manager’s car with him (“THE PASSENGER”) takes a box containing multiple absentee ballots from the vehicle. The ballots have been sent in manila envelopes through the U.S. mails to various named persons in care of “JKW Inc.” at P.O. Box 879 at Fort Apache.
- THE PASSENGER carries the box through the parking lot and gives it to one of the political candidates holding a rally there. The seized ballots are photographed by several witnesses and later taken by law enforcement to the Evidence Room at the Tribal Police Station in Whiteriver. *SEE EXHIBIT D.*
- THE PASSENGER and other witnesses also identify a notebook that they state belonged to CAMPAIGN OPERATIVE 1, and which is found in the same box as the JKW Inc. ballots at the time they were seized. The notebook is labeled as belonging to one of the campaigns and contains a hand-written checklist – appearing to match CAMPAIGN OPERATIVE 1’s handwriting – consisting of voters who received ballots through JKW Inc. This includes VOTER 69, the same person to whom CAMPAIGN OPERATIVE 1 had delivered a ballot in a manila envelope sent through the U.S. mail to “JKW Inc.” and postmarked January 29, 2010, and who states that she did not request such a ballot. *SEE EXHIBIT E.*
- The WMAT Election Commission subsequently takes these seized absentee ballots into its custody in a locked closet at Tribal headquarters. In all, 20 separate ballots in “JKW Inc.” envelopes are listed in the Election Commission’s notes as having been returned by Police to the Commission.

- Meanwhile, at 12:30 p.m. in the same parking lot, a voter from District 2 (VOTER 16) is informed by witnesses that her absentee ballot is among those found in the box, all of which were requested through “JKW, Inc.” Election Commission records show that a ballot was sent to “JKW Inc. ATTN: [VOTER 16’s name]” on January 27. However, VOTER 16 did not request an absentee ballot and did not vote absentee or in person. According to witnesses at the scene, the envelope containing VOTER 16’s ballot had been opened.
- The Tribal Council passes a resolution 9-0 directing the Election Commission “to separate and invalidate the absentee ballots that were sent to the PO Box of JKW, Inc.” *SEE EXHIBIT F.*

#### **February 2, 2010**

- The WMAT Tribal Council holds an emergency meeting and passes a resolution suspending, without pay, five Tribal employees for their alleged involvement in the “JKW Inc.” absentee ballot voting scheme. The Tribal Council also passes a resolution ordering that no absentee ballots be counted in tomorrow’s election.

#### **February 3, 2010**

- Primary election.

#### **February 4, 2010**

- The five suspended employees are each officially informed by letter of their suspensions without pay pursuant to Section IX (B)(6) of the WMAT Personnel Policies, which prohibits Tribal employees’ campaigning and electioneering in the work place and the use of Tribal resources in such activities.

#### **February 16, 2010**

- The Tribal Council appoints Troy A. Eid of the Denver office of the national law firm of Greenberg Traurig LLP as Independent Counsel.

- The Independent Counsel is the former United States Attorney for the District of Colorado (2006-09) and previously led the State of Colorado's 70,000-employee Civil Service System (2001-03).
- The Tribal Council charges the Independent Counsel with investigating whether probable cause exists to conclude that any crimes were committed under the WMAT Election Code in connection with the "JKW Inc." absentee ballot voting scheme. The investigation is also to determine whether the five suspended Tribal employees violated WMAT personnel policies.
- The Tribal Council does NOT formally grant the Independent Counsel investigative subpoena authority to compel the five suspended employees or others from testifying in this matter, so he must rely on voluntary cooperation.
- The Tribal Prosecutor later takes the legal position, over the Independent Counsel's objections, that the five suspended employees may not be subpoenaed unless they are actually charged with crimes under the Election Code.
- The Independent Counsel travels later that same day from Denver to the Fort Apache Reservation and begins conducting interviews and gathering evidence.

#### **February 17, 2010**

- The Independent Counsel and his staff obtain phone numbers and other contact information for the five suspended employees. However, all five are either unavailable or refuse to be interviewed or to cooperate in any way.
- The Independent Counsel and the Tribal Attorney's Office attempt to locate the five suspended employees on or near the Fort Apache Reservation. The Independent Counsel visits various public places and private homes in this search. None of the five suspended employees is located. However, numerous other interviews are conducted and other evidence obtained.

- In an interview, for example, VOTER 69 tells the Independent Counsel that she did not request an absentee ballot from the Election Commission, and that she neither saw nor signed the JKW Inc. Form Letter requesting such a ballot on January 26, 2010 or any other date. Other voters give very similar or identical statements as to their own experiences.
- VOTER 69 further states that she is registered to vote at her home in Whiteriver, and is unfamiliar with “JKW Inc.” or P.O. Box 879 in Fort Apache. VOTER 69 has since provided evidence of her home address and post office box. *SEE EXHIBIT G.*
- The handwriting and signature on the completed JKW Inc. Form letter purportedly faxed to the Tribal Council Secretary on January 26, 2010 does not match VOTER 69’s own handwriting and signature.
- Evidence also shows that the Assistant Planner notarized the ballot for VOTER 69. This is despite VOTER 69’s statement that she never requested a ballot from “JKW Inc.” and never voted the ballot that was delivered to her by POLITICAL OPERATIVE 1. Again, several other voters give very similar or identical statements as to their own experiences, including the role of POLITICAL OPERATIVE 1.

### **February 18, 2010**

- At approximately 8 a.m., a witness in local off-reservation restaurant overhears “loud conversation about that tribal voting investigation” between two women whom Witness later positively identifies as Human Resources Director and Assistant Planner. Their conversation includes how various Tribal employees must be instructed how not to cooperate with the Tribal Council’s independent investigation into the absentee ballot-tampering and voting fraud scheme.
- Human Resources Director also engages in a cell phone conversation where she states that “only [Apache Enterprise Director] and his girlfriend had access to the box,” and adds that if questioned, “Tell them you had nothing to do with the ballots and no access to the box.” Witness, who is not a Tribal member but who has previously lived on the Fort Apache Reservation, takes contemporaneous notes of the incident as well as photos on her cell phone. After reading an article about the

investigation in the *White Mountain Independent*, Witness contacts the Independent Counsel.

- After meeting with the Election Commission, the Independent Counsel jointly inspects ballots in the storage closet at Tribal headquarters. These ballots were seized on February 1 in the parking lot of the Whiteriver Commercial Center. In District 4, the Commission's records show that 12 people apparently voted in person after sending absentee ballots. Of the 30 absentee ballots in the closet in the District 4 Primary Election, 11 were requested using the JKW Form Letter. Of the seven absentee ballots in the closet from the District 3 Primary Election, four were requested using the JKW Form Letter. There were no JKW Form Letter requests from Districts 1 or 2 in the closet.

#### **February 23, 2010**

- The Election Commission sends a letter to the Tribal Council and the Tribal Attorneys expressing its confidence in the Independent Counsel and his investigation. *SEE EXHIBIT H.*
- The letter asks that the Independent Counsel's report be completed by March 2, 2010. The Election Commission states: "This will allow for changes to the Tribal Election Code to be posted for the required ten day period and still get the absentee ballots printed before the March 22, 2010 beginning of the absentee process for the General Election."
- The Letter further states: "[T]he entire report should be made available to the public at large through the local newspapers and any other media that may be interested in publishing it so that all tribal members will know the accurate facts involved in the absentee ballot process during the Primary election."

#### **February 25, 2010**

- Chairman Ronnie Lupe emails a memorandum to all Tribal employees urging cooperation with the Independent Counsel's investigation and encouraging anyone having communication with the five suspended employees "to comply with the independent investigation that has been

duly authorized by the Tribal Council. These employees are welcome to be represented by attorneys or lay advocates." *SEE EXHIBIT I.*

**February 26, 2010**

- Assisted by the Tribal Attorney's Office, the Independent Counsel and his staff continue their attempts to contact the five suspended employees, which first commenced on February 17. However, all five remain either unavailable or refuse to be interviewed or to cooperate in any way.
- The Tribal Prosecutor declines to seek administrative or criminal investigative subpoenas from the White Mountain Apache Tribal Court. These subpoenas, if approved by the Court, would require the five suspended employees to appear for the purpose of answering the Independent Counsel's questions in the "JKW Inc." investigation.

## CONCLUSIONS

1. Probable cause currently exists to conclude that four of the five Tribal employees suspended by the Tribal Council on February 2, 2010 in connection with the "JKW Inc." absentee ballot voting scheme engaged in criminal conduct under the WMAT Election Code, individually and as members of a conspiracy.
2. Specifically and as discussed above, these four Tribal employees – aided by several non-Tribal employee political operatives – violated Sections 5.2(F)(2) and (3) of the Election Code. The four are the Human Resources Director, Assistant Planner/Planning Department, General Manager of the Fort Apache Timber Company, and Director of Tribal Enterprise.
3. The Independent Counsel recommends that criminal charges be immediately brought against each of the four suspended Tribal employees in the Tribal Courts of the White Mountain Apache Tribe.
4. The Independent Counsel has made repeated attempts to interview each of these four suspended Tribal employees. Unfortunately, all four have chosen not to communicate with my staff and me, or with the Tribal Attorney's Office. The filing of criminal charges by the Tribe would help ensure that all four can be served with subpoenas requiring them to appear for questioning, pursuant to Rule 4.5 of the White Mountain Apache Rules of Criminal Procedure, and would address the concerns about the legality of those subpoenas raised by the Tribal Attorney.
5. I also recommend that the Tribal Council and Tribal Attorney continue this investigation and cooperate as may be needed with other law enforcement jurisdictions, especially the federal government given the use of the U.S. mails in the "JKW Inc." fraudulent voting scheme.
6. Probable cause does *not* currently exist to conclude that the fifth suspended Tribal employee, the Tribal Treasurer, committed the same crimes, individually or as a co-conspirator. However, some evidence – although less than that required for a finding of probable cause – does indicate that the Tribal Treasurer played an active role in the "JKW Inc." scheme, and further investigation is recommended.

7. Finally, the evidence shows that all five of the suspended Tribal employees violated Sections IX (B)(1) and (6) of the WMAT Personnel Policies and Procedures Manual ("Personnel Policies"). The Personnel Policies are intended to protect their fellow employees and Tribal members from undue political influence, corruption and electioneering in the workplace.
8. Given the multiple grounds for disciplinary action under Section IX (C)(1) as listed below, the Independent Counsel recommends that all five suspended employees be immediately terminated from the positions of trust and leadership they hold with the Tribe.
9. Fraudulent vote-buying schemes such as "JKW Inc." where voters are pressured or offered money or other inducements in exchange for casting and returning their absentee ballots are *already* illegal under Section 5.2(F) of the Election Code. And Section 2.1(B)(6) already empowers the Election Commission to "[e]nforce this Election Code and rules and regulations promulgated pursuant thereto."
10. If the Election Commission determines that vote-buying schemes are or may be occurring in connection with the April 7 election, the Tribal Council should use its existing powers to support immediate enforcement action as provided in Section 2.1(B)(6). The Council should clarify that it expects the Tribal Attorney's Office to enforce the Code on behalf of the Election Commission consistent with the findings and legal conclusions contained in this independent report.
11. The Election Commission should proceed with its proposed reforms to the absentee-voting process so that the Tribal Council has time to enact and enforce them in connection with the April 7, 2010 General Election.

# **EXHIBIT A**



Doreen Gatewood/01-White  
Mountain Apache  
Tribe/WMAT

01/13/2010 01:18 PM

To Suzie Tenijieth/99-Health Services/WMAT@WMAT

cc

bcc

Subject



January 04.doc

January 12, 2010

White Mountain Apache Tribe  
Election Commission  
P.O. Box 589  
Whiteriver, Arizona 85941

To Whom It May Concern:

I wish to exercise my right to vote in the White Mountain Apache Tribal election. I am registered voter in District \_\_\_\_\_ please send an absentee ballot to the address below as I will be unable to vote at my polling place on February 03, 2010. Your help is appreciated.

JKW Inc.  
Attention:  
P.O. Box 879  
Fort Apache, Arizona 85926

Sincerely,

# **EXHIBIT B**

# Application for Post Office™ Box Service

Tear off this page, fill out all non-shaded fields, and take it to the Post Office.

1. Will this service be used for: (Required) ☒ Business/Organization Use ☐ Residential/Personal Use

2. Name of Business/Organization (if applicable)

JKW Inc.

3. Name of Person Applying (Last, First, MI - Include Title if representing a business/organization)

MILFRED COSEN

4. Address

Number, street, suite,

5021 S. Chief Ave  
Canyon Dry

City

State

ZIP +4®

5. Telephone Number (Include Area Code)

928 205 8407

6. Email Address (Optional)

7. Box Size Required: (See page 1 for more details) ☐ Size 1 ☒ Size 2 ☐ Size 3 ☐ Size 4 ☐ Size 5

8. Applicant must select and enter the ID number for two items of valid identification listed below. You must present the IDs at a Post Office. One item must contain a photograph and one must be traceable to the bearer (prove your physical address). Both must be current.

☒ State Drivers License or State ID Card

D 03793180

☐ Passport, Alien Registration Card or Certificate of Naturalization

☐ Current Lease, Mortgage or Deed Of Trust

☒ Voter or Vehicle Registration Card

☐ Home or Vehicle Insurance Policy

☐ Armed Forces, Government, University or Recognized Corporate Identification Card

9. List the name(s) of all individuals, including members of a business, who will be receiving mail at this Post Office Box. All names listed must have verifiable identification and, upon request, present this identification to the Postal Service. A parent or guardian may receive the mail of minors by listing their names (no ID is required).

**Customer Note:** The Postal Service® may consider it valid evidence that a person is authorized to remove mail from the box if that person possesses a key or combination to the box.

## SPECIAL ORDERS

10. Postmaster: The following named persons or representatives of the business/organization listed above are authorized to pick up mail addressed to this (these) PO Box number(s). All names listed must have verifiable ID and upon request, present this identification to the Postal Service (continue on reverse side if needed).

Other Authorized Representative

Other Authorized Representative

11. Signature of Applicant (Same as Item 3). I certify that all information furnished on this form is accurate, truthful, and complete. I understand that anyone who furnishes false or misleading information on this form or omits information requested on this form may be subject to criminal and/or civil penalties, including fines and imprisonment.

Milfred Cosen

Privacy Notice: Privacy Act Statement is available on pages 2 and 4 of this form.

PS Form 1893, October 2008 (Page 3 of 4) PSN 7530-02-000-7165

HP LASERJET FAX

Feb 25 2010 2:46PM

# **EXHIBIT C**



# **EXHIBIT D**



# **EXHIBIT E**

Mary Tsosie	+ Simone Tortice I
Orthia Trux	* Kent Cromwell
<del>Stacy Tracy Jr.</del>	* Mario Williams
Fredrick Nelson	Roscoe Posner II
Leander Swift	Daniel Hastings
<del>Donald Messing</del>	<del>Prayer Johnson</del>
<del>Kenya Alchong</del>	Kencie Kane #140 DeSo
<del>Donita Pittman</del>	Travis P. Wren
<del>Robert Swift</del>	Cheryl Ann Platt
Nelvin Swift *	Merval Dunlap #
<del>Walter Harkins</del>	Daniel Stauding
Stewart Edward	T.J. Trux #
<del>Scotts Pined</del>	Bernard Palmer #
<del>Robert Dunlap</del>	Orinthia Ethelbah
Ryem Altabgy-JOGI *	Danielita Fisher
<del>Robert Johnson</del>	<del>Sarah Lynn Edward</del>
Temia S. Peaches	Madeline Brooke
Maralyn Tenigirth #	Loyd L White
Irene Hastings	Alex Walker
Kenzie Swift	Anita Cheney
<del>Salvador</del>	Carol Dahkoshay
	Karen Cheney
	Beverly Brown

# **EXHIBIT F**



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

**(Invalidating Absentee Ballots Distributed By JKW, Inc.)**

**WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) 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 Tribal Council of the White Mountain Apache Tribe has been approached by numerous political candidates and their supporters about allegations of impropriety that has occurred during the 2010 primary election process; and

**WHEREAS,** candidates and their supporters heard rumors that a corporation was in receipt of absentee ballots that were requested by voters residing on the Fort Apache Indian Reservation and the Tribal Elections Commission confirmed that such requests were made; and

**WHEREAS,** according to the Election Commission Chairman, eligible Tribal Member voters submitted their signatures via standard form fax request to the Tribal Elections Commission and requested that their ballot be sent to the PO Box Address of JKW, Inc. and the requests were consistent with the measures instituted and accepted pursuant to the Tribal Election Code; and

**WHEREAS,** the Tribal Council of the White Mountain Apache Tribe finds that the absentee ballot requests were improper and finds it in the best interest of the Tribe to direct the Elections Commission to separate the absentee ballots that were directed to the JKW, Inc. PO Box address and invalidate the votes submitted through JKW, Inc.; and

**WHEREAS,** the Tribal Attorney advised the Tribal Council against passing this Resolution because it usurps the authority granted to the Tribal Election Commission by the Tribal Elections Code and for this reason, the Tribal Council should not interfere in that process.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that despite the advice of its Legal Counsel, it hereby directs the Tribal Elections Commission to separate and invalidate the absentee ballots that were sent to the PO Box of JKW, Inc.

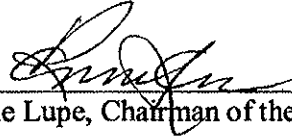
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

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

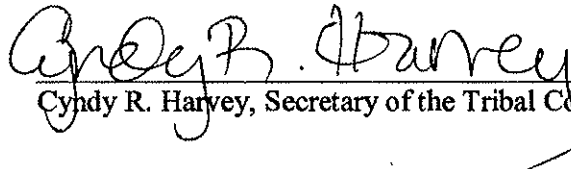
The foregoing resolution was on February 1, 2010, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in

**Resolution No. 02-2010-30**

it by Article IV, Section 1 (a), (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



Cindy R. Harvey, Secretary of the Tribal Council

# **EXHIBIT G**



# **EXHIBIT H**



# WHITE MOUNTAIN APACHE TRIBE

Election Commission, P.O. Box 589

Whiteriver, AZ 85941

(928) 338-2510, e-mail: [charvey@wmat.us](mailto:charvey@wmat.us)

Members: Delbin Endfield (Chair), Jonathan Baylish (V.Chair), Curtis Suttle, Cyndy R. Harvey, Anthony Cooley, Veldon Clendon, Cynthia Burnett, Tina Cromwell and Alosa Cooley-support staff

February 23, 2010

**RECEIVED**  
White Mountain Apache Tribe  
(Date) 2/24/2010  
Executive Office of the Chairman  
Rennie Luna

Dear Tribal Council and Tribal Attorneys:

On the evening of February 18, 2010, the Election Commission met with the Independent Investigator that has been hired by the Tribal Legal Department to look into the circumstances surrounding the absentee process during the Primary Election.

As the investigator, Mr. Troy Eid, is the former U.S. Attorney for Colorado, the Election Commission has every confidence that he will produce a comprehensive and impartial report. The Election Commission is co-operating fully with his investigation.

In order for the information from this report to be useful in any changes the Tribal Council wishes to make to the absentee process before the General Election, it is important that it be completed by March 2, 2010. This will allow for changes to the Tribal Election Code to be posted for the required ten day period and still get the absentee ballots printed before the March 22, 2010 beginning of the absentee process for the General Election.

Mr. Eid has stated he will present the Election Commission with copies of his report and the Election Commission agrees with him that the entire report should be made available to the public at large through the local newspapers and any other media that may be interested in publishing it so that all tribal members will know the accurate facts involved in the absentee process during the Primary Election.

Sincerely,

\_\_\_\_\_  
Delbin Endfield, Chairperson

*Curtis Suttle*

\_\_\_\_\_  
Curtis Suttle, Member

*Cynthia Burnett*

\_\_\_\_\_  
Cynthia Burnett, Member

*Tina Cromwell*

\_\_\_\_\_  
Tina Cromwell, Member

\_\_\_\_\_  
Alosa Cooley, Staff Support

\_\_\_\_\_  
Jonathan Baylish, Vice Chairperson

*Anthony Cooley*

\_\_\_\_\_  
Anthony Cooley, Member

*Veldon Clendon*

\_\_\_\_\_  
Veldon Clendon, Member

\_\_\_\_\_  
Cyndy R. Harvey, Member

# **EXHIBIT I**

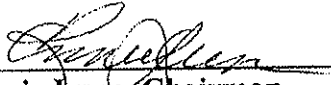


Executive Office of the Chairman  
WHITE MOUNTAIN APACHE TRIBE

RONNIE LUPE  
CHAIRMAN

**MEMORANDUM**

**TO:** All Employees

**FROM:**   
Ronnie Lupe, Chairman  
White Mountain Apache Tribe

**DATE:** February 25, 2010

**RE:** INVESTIGATION PROCESS

At the request of the White Mountain Apache Tribal Council there is an on-going investigation process in regards to allegations of alleged absentee ballot-tampering and voting fraud in the February 3, 2010 Primary Election.

I have continually encouraged cooperation in this process, therefore, I am writing to you to encourage any Tribal employee or Tribal member with information about this investigation to contact Troy A. Eid at (303) 572-6521 before the end of the business day tomorrow, Friday, February 26, 2010. You may also contact Mr. Eid at his electronic mail address [eidt@gtlaw.com](mailto:eidt@gtlaw.com). You may also contact his assistant, Ms. Nicki Heberle by phone at (303) 572-6521 or Janet Wells in the Tribal Attorney's Office and her extension is 2538.

Furthermore, I ask that if you have direct relations or communication with any of the five suspended employees (Doreen Ethelbah-Gatewood, Suzanna S. Tenijieth, Milfred Cosen, Charles "Chuck" Peone, Cathy H Tate) that you encourage them to comply with the independent investigation that has been duly authorized by the Tribal Council. These employees are welcome to be represented by attorneys or lay advocates.

There will be a report made available of the findings up until this point and it is to be delivered by Mr. Troy A Eid himself on Tuesday, March 2, 2010.

Thank You.

C: file  
Tribal Vice-Chairwoman  
Tribal Council  
Tribal Administrative Manager  
Tribal Human Resources Department  
Tribal Legal Department



P.O. Box 1150 • WHITERIVER, ARIZONA 85941  
PHONE (928) 338-2500 • FAX: (928) 338-1514