

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Proposal to Research Authors Who Have Written About the Tohono O'odham)

RESOLUTION NO. 17-292

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
2 **the authority "to promote, protect and provide for public health, peace, morals,**
3 **education and general welfare of the Tohono O'odham Nation and its members"**
4 **(Constitution, Article VI, Section 1(c)(2)); and**
- 5 **WHEREAS, many authors have written and published on topics relating to the Tohono**
6 **O'odham; and**
- 7 **WHEREAS, Kenneth D. Madsen has proposed a project to research this written work to better**
8 **understand academic-Native American relationships (including motivations,**
9 **interactions, tensions, and positive experiences), to promote a better working**
10 **partnership and more equitable relationship between these two entities, and to**
11 **increase awareness of and sensitivity to the dynamics of doing academic research**
12 **in indigenous communities; and**
- 13 **WHEREAS, this particular project investigates such questions as how research conducted on**
14 **the Tohono O'odham has affected the life and career trajectories of academics,**
15 **how such work has contributed to academic and disciplinary understandings of**
16 **certain issues, how the information collected can be used by tribal members**
17 **themselves, the practical implications of works published by academics, how**
18 **academic work is viewed by tribal communities, how has this changed over time,**
19 **and the role of tribal research oversight (past, present, future); and**
- 20 **WHEREAS, the focus of this research is on authors and academics but the project would also**
21 **benefit from visiting and interviewing with tribal members who have interacted**
22 **with these academics in the past or otherwise have thoughts about interaction**
23 **between the two entities thereby providing a more complete understanding of**
24 **these issues; and**
- 25 **WHEREAS, Mr. Madsen hopes to incorporate Tohono O'odham tribal members in the**
26 **research process itself when and where possible (ideally assisting with interviews**
27 **of authors); and**
- 28 **WHEREAS, Mr. Madsen has many years of experience and service working with the Tohono**
29 **O'odham during his graduate school studies (Ph.D. in Geography completed at**
30 **Arizona State University in 2005), employment (2004-2008 at TOCC; service in 2017**
31 **as an adjunct instructor), ongoing research (Resolution No. 09-499, available at:**
32 **<http://tolc-nsn.org/docs/Actions09/09499.pdf>), and participation in social and**
33 **cultural activities resulting in a basic understanding of the O'odham language**
34 **and a sensitivity to Tohono O'odham cultural concerns; and**

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1 **WHEREAS, Mr. Madsen has previously published approved writings on Tohono O'odham**
2 **border issues in the past [i.e. 2014, A basis for bordering: land, migration, and**
3 **inter-Tohono O'odham distinction along the U.S.-Mexico Line, chapter in Jones,**
4 **R. and Johnson, C. (Eds) *Placing the Border in Everyday Life*. Ashgate, London, pp.**
5 **93-116; 2014, The alignment of local borders, *Territory, Politics, Governance*. 2**
6 **(1): 52-71]; and**

7 **WHEREAS, Mr. Madsen has agreed to disclose how information will be used to prospective**
8 **interviewees (including possible publication), to obtain and track verbal or**
9 **written informed consent for the use of such information, provide an opportunity**
10 **for review and correction of information collected, and respect people's privacy**
11 **by allowing them to remain anonymous if they so desire; and**

12 **WHEREAS, Mr. Madsen agrees not to explore the Nation for the purposes of research beyond**
13 **main roads and other public places without proper accompaniment or**
14 **permission from the respective community, district, or tribal members and**
15 **leadership; and**

16 **WHEREAS, Mr. Madsen agrees to provide updates upon request on this research project to**
17 **the Cultural Preservation and Human Resources Development Committees of the**
18 **Tohono O'odham Legislative Council; and**

19 **WHEREAS, copies of printed results will be donated to interested libraries on the Tohono**
20 **O'odham Nation and copies of any transcripts or recordings (if permission is**
21 **given by interviewees, appropriately redacted if necessary and with a time**
22 **embargo for public access as per the wishes of the interviewee) will be donated to**
23 **appropriate locations on the Tohono O'odham Nation as well, and Mr. Madsen**
24 **will cooperate with requests by interested parties on the Tohono O'odham Nation**
25 **and elsewhere to provide copies of publications and/or to present research**
26 **results; and**

27 **WHEREAS, members of the Tohono O'odham Nation's Institutional Review Board ("IRB"),**
28 **which is authorized by 17 Tohono O'odham Code Chapter 8 to review and approve**
29 **research proposals, have not yet been appointed; and**

30 **WHEREAS, the Cultural Preservation Committee reviewed Mr. Madsen's proposal to**
31 **research authors who have written about the Tohono O'odham and recommends**
32 **its approval; and**

33 **WHEREAS, on July 6, 2017, the Human Resources Development Committee reviewed Mr.**
34 **Madsen's proposal to research authors who have written about the Tohono**
35 **O'odham.**

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1 **NOW, THEREFORE, BE IT RESOLVED** that notwithstanding 17 Tohono O'odham Code Chapter 8,
2 the Tohono O'odham Legislative Council approves Kenneth D. Madsen's research
3 proposal on the topic of authors who have written about the Tohono O'odham and
4 activities relating to this project within the Tohono O'odham Nation for a period
5 of five years from the effective date of this resolution; provided that the approval
6 granted by this resolution shall expire unless Mr. Madsen reports his research to
7 the Cultural Preservation and Human Resources Development Committees by
8 August 1 annually.

9 **BE IT FURTHER RESOLVED** that 17 Tohono O'odham Code Chapter 8, Section 8106(7) regarding
10 ownership and other provisions of Chapter 8 that can be implemented in the
11 absence of an appointed Institutional Review Board shall remain applicable to
12 the project.

13 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that ongoing supervision
14 of this research be transferred to the Tohono O'odham Institutional Review
15 Board when enough Board members sufficient for a quorum are appointed.

16 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH
17 day of JULY, 2017 at a meeting at which a quorum was present with a vote of 2,760.65 FOR; 92.85
18 AGAINST; [02] NOT VOTING; and 231.1[04] ABSENT, pursuant to the powers vested in the Council
19 by Article VI, Section 1(c)(2) of the Constitution of the Tohono O'odham Nation, adopted by the
20 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
21 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
22 18, 1934 (48 Stat.984).

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24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29 Timothy Joaquin, Legislative Chairman

30 17 day of July, 2017

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34 **ATTEST:**

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37 Evonne Wilson, Legislative Secretary

38 17 day of July, 2017

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41 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
42 O'odham Nation on the 17 day of July, 2017 at 5:54 o'clock, P .m.,
43 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
44 effective upon his approval or upon his failure to either approve or disapprove it within 48
45 hours of submittal.
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaguin, Legislative Chairman

APPROVED

on the 18 day of July, 2017

DISAPPROVED

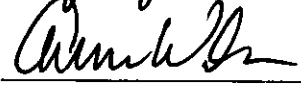
at 2:57 o'clock, P.m.



**EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 19 day of

July, 2017, at 4:00 o'clock, P.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING PROPOSAL TO RESEARCH AUTHORS WHO HAVE WRITTEN ABOUT THE TOHONO O'ODHAM

MOVED: COUNCILMAN ANTHONY J. FRANCISCO, JR.

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: JULY 10, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X		X	
SELLS 527.2	1. ARTHUR WILSON (Beverly Rivas)	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85		X		
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III <i>(Absent)</i> (Felicia Nunez) <i>(Present)</i>	116.15	X			X
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA ()	115.55				X
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55				X
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ()	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ()	128.45	X			
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X		X	
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Vicenti)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE ()	186.05	X			
TOTAL		3,084.6	2,760.65	92.85	[02]	231.1 [04]