

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting Federal Legislation Recognizing the Tohono O'odham Nation's Inherent
Sovereign Authority and Appointing National and State Representatives)**

RESOLUTION NO. 01-558

1 **WHEREAS, from time immemorial, the Tohono O'odham have governed their aboriginal**
2 **territory as a distinct, independent political entity having jurisdiction over its**
3 **territory, its members and all other Indians and non-Indians who came within that**
4 **territory; and**

5 **WHEREAS, the Tohono O'odham Nation has never surrendered its inherent powers of self-**
6 **governance to the United States of America by treaty, conquest or otherwise; and**

7 **WHEREAS, the people of the Tohono O'odham Nation, as members of a federally recognized**
8 **Indian tribe with inherent powers of self-governance, have adopted a Constitution**
9 **reaffirming the Nation's inherent sovereign authority and its jurisdiction over all**
10 **lands, all people, and all activities within the boundaries of the Nation consistent with**
11 **federal law (Constitution of the Tohono O'odham Nation, Article I); and**

12 **WHEREAS, the United States of America has determined for itself that the United States**
13 **Congress, through the Indian Commerce Clause of the United States Constitution (art.**
14 **1, § 8, cl. 3), has the constitutional authority to enact laws concerning Indian tribes;**
15 **and**

16 **WHEREAS, the permanent government-to-government relationship between Indian tribes and**
17 **the United States is memorialized in numerous treaties, executive orders,**
18 **agreements, and statutes that recognize the sovereign status of Indian tribes; and**

19 **WHEREAS, during the last three decades, the United States Supreme Court, acting without the**
20 **guidance and direction of the Congress, has issued a long series of opinions**
21 **drastically eroding the inherent sovereign authority of tribes to regulate, adjudicate,**
22 **and legislate within their territorial boundaries; and**

23 **WHEREAS, Indian tribes throughout the United States have begun to meet and cooperatively**
24 **draft federal legislation aimed at: 1) reaffirming the inherent sovereign powers of**
25 **Indian tribes; 2) reversing anti-tribal sovereignty Supreme Court decisions beginning**
26 **with Oliphant v. Suquamish Indian Tribe and culminating with Nevada v. Hicks; and**

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1 **3) providing Indian tribes with an option as to the extent of jurisdiction each tribe**
2 **chooses to assert over its territory as well as over the activities and persons within**
3 **that territory; and**

4 **WHEREAS, it is in the Nation's interests to develop and adopt a position on these important**
5 **issues and to designate representatives to present its positions at the state and**
6 **national levels.**

7 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that the**
8 **inherent sovereign powers of the Tohono O'odham Nation shall extend to all lands,**
9 **all people, and all activities within the boundaries of the Nation.**

10 **BE IT FURTHER RESOLVED that the Nation's sovereign powers may only be limited by the**
11 **Nation itself or by the legislative acts of United States Congress, but not by the**
12 **Supreme Court of the United States acting pursuant to federal common law.**

13 **BE IT FURTHER RESOLVED that the Tohono O'odham Nation urges the United States**
14 **Congress to pass legislation recognizing and affirming that (1) Indian tribal powers**
15 **of self-governance are *inherent* powers and are not delegated by the Congress and**
16 **(2) the government-to-government relationship between Indian tribes and United**
17 **States is permanent, (3) tribal courts are courts of general jurisdiction with full rights**
18 **of appeal, and (4) Indian tribes shall have, at their option, full civil and criminal**
19 **jurisdiction, which shall encompass full regulatory, adjudicative, and legislative**
20 **authority over all lands and activities within their boundaries, including over fee**
21 **lands, regardless of ownership.**

22 **BE IT FURTHER RESOLVED that the Nation supports the national Tribal Sovereignty Protection**
23 **Initiative as a means of responding to the numerous Supreme Court opinions**
24 **undermining tribal sovereignty.**

25 **BE IT FURTHER RESOLVED that the Nation reserves its final approval of the draft legislation**
26 **currently being developed by the Legislative Options Subcommittee of the Tribal**
27 **Sovereignty Protection Initiative until a final bill becomes available.**

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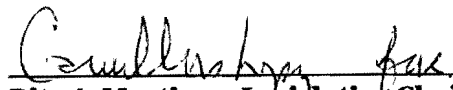
1 **BE IT FURTHER RESOLVED** that Legislative Council Representative Evelyn Juan is hereby
2 designated as the Nation's national spokesperson and representative and is
3 authorized to present the Nation's views, positions, and proposals protecting and
4 affirming the Nation's inherent tribal sovereignty at the national level.

5 **BE IT FURTHER RESOLVED** that Legislative Council Representative Ambrose Encinas is hereby
6 designated as the Nation's Arizona spokesperson and representative and is
7 authorized to present the Nation's views, positions, and proposals protecting and
8 affirming the Nation's inherent tribal sovereignty within the State of Arizona.

9 **BE IT FINALLY RESOLVED** that, in order for the Nation to speak with one voice, the Nation's state
10 and national sovereignty protection representatives shall confer with and report
11 back to the Nation's three governmental branches.

12 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH Day
13 of NOVEMBER, 2001 at a meeting at which a quorum was present with a vote of 2,132.75 FOR;
14 284.75 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council
15 by Section 1 (f),(c)(1), and (c)(6) of Article IV of the Constitution of the Tohono O'Odham Nation,
16 adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy
17 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act
18 of June 18, 1934 (48 Stat. 984).

19
20 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

21
22 
23 _____
24 Rita A. Martinez, Legislative Chairwoman

25
26 8th day of November, 20 01

27
28 **ATTEST:**

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31 _____
32 Julianna Saraficio, Acting Legislative Secretary

33
34 07 day of November, 20 01.

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36 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
37 Nation on the 8th day of November, 20 01 at :36 o'clock, P.M.,
38 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
39 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
40 submittal.

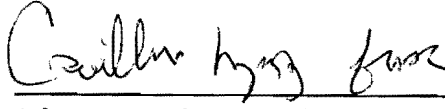
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 9th day of November, 20 01

DISAPPROVED

at 1:20 o'clock, P.M.



EDWARD D. MANUEL, Chairman

TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 09 day of

November, 20 01, at 1:10 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: SUPPORTING FEDERAL LEGISLATION RECOGNIZING THE TOHONO O'ODHAM NATION'S INHERENT SOVEREIGN AUTHORITY AND APPOINTING NATIONAL AND STATE REPRESENTATIVES

MOVED: COUNCILMAN DENNIS RAMON

SECOND: COUNCILWOMAN FERN SALCIDO

DATE: NOVEMBER 07, 2001

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05		X		
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			X
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			X
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			X
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35		X		
	2. GLORIA RAMIREZ ()	80.35		X		
SAN XAVIER 184.7	1. TONY BURRELL ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ** ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	2,132.75	284.75	-0-	[04]

****PASSED VOTES**