

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing Creation of a Federally-Controlled Tribal Leader Advisory Committee
and Supporting a Tribal-Controlled Trust Reform Task Force)**

RESOLUTION NO. 02-010

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to consult with (1)**
2 **appropriate federal agencies regarding federal activities that affect the Tohono**
3 **O'odham Nation and (2) other Indian tribes on all matters within the Council's**
4 **authority (Constitution of the Tohono O'odham Nation, Article VI, Section 1(j) and (f));**
5 **and**

6 **WHEREAS, on November 21, 2001 the Tohono O'odham Legislative Council passed Resolution No.**
7 **01-583, "Opposing Transfer of Trust Asset Management Responsibilities to the**
8 **'Bureau of Indian Trust Asset Management' in the Absence of Tribal Consultation";**
9 **and**

10 **WHEREAS, an amended version of Resolution No. 01-583 was ultimately adopted as National**
11 **Congress of American Indians ("NCAI") Resolution #SPO-01-006 at the NCAI 2001**
12 **Annual Session on November 28, 2001; and**

13 **WHEREAS, as a result of tribal leaders' discussions at the NCAI 2001 Annual Session, the**
14 **December 12, 2001 Tribal Leaders' Caucus in Albuquerque, NM, and subsequent**
15 **"consultation" meetings with the Department of the Interior ("DOI"), tribal leaders**
16 **have consistently proposed that a tribally-controlled and organized Trust Reform**
17 **Task Force be formed that will work in partnership with the federal government to**
18 **develop and implement a meaningful trust reform plan; and**

19 **WHEREAS, the DOI has repeatedly agreed to the creation of such a Task Force in public "scoping"**
20 **meetings across the United States; and**

21 **WHEREAS, without first notifying Indian tribes, DOI Deputy Commissioner of Indian Affairs**
22 **Sharon Blackwell claimed in a January 4, 2002 memorandum to Western Region**
23 **Agency Superintendents that Assistant Secretary Neil McCaleb had agreed only to the**
24 **formation of a "tribal leader advisory committee" and had announced this plan at the**
25 **January 3, 2002 Oklahoma reorganization consultation meeting; and**

26 **WHEREAS, contrary to claims made in the January 4, 2002 DOI memorandum, Indian Country**
27 **has never been informed of or agreed to participate solely in an advisory capacity as**
28 **the memorandum suggests; and**

RESOLUTION NO. 02-010

(Opposing Creation of a Federally-Controlled Tribal Leader Advisory Committee and Supporting a Tribal-Controlled Trust Reform Task Force)

Page 2 of 3

1 WHEREAS, the creation of an "advisory committee" under federal supervision may require
2 compliance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, §1 et seq. (2001),
3 or other federal laws which would undermine the Task Force's independence and
4 ability to represent tribal interests; and

5 WHEREAS, the creation of such an "advisory committee" contemplates that tribal input and
6 decisions could ultimately be overridden by the federal government and that tribal
7 input in trust reform would have no ultimate impact on trust reform.

8 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation supports the creation of an
9 independent, tribally-controlled and organized Trust Reform Task Force to guide
10 trust reform.

11 BE IT FURTHER RESOLVED that the Tohono O'odham Nation strongly disagrees with and
12 adamantly opposes Assistant Secretary McCaleb's apparent attempt to relegate tribal
13 leader input to the minor role of a federally-controlled or organized "tribal leader
14 advisory committee," whose advise could be ignored at the federal government's
15 option.

16 BE IT FINALLY RESOLVED that the Tohono O'odham Nation demands that Assistant Secretary
17 McCaleb, in conformity with the basic principles of the government-to-government
18 relationship and tribal sovereignty, honor the consistently-voiced tribal position that
19 a tribal Trust Reform Task Force be created by the tribes to work with the federal
20 government on trust reform.

21 BE IT FINALLY RESOLVED that the Tohono O'odham Nation respectfully requests that those tribes
22 opposing the creation of a federally-controlled tribal leader advisory committee and
23 supporting the creation of a tribal-controlled Trust Reform Task Force make their
24 positions known to the Department of the Interior and the Bush Administration.

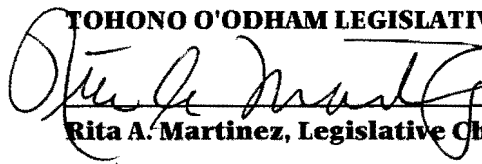
25
26 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH Day
27 of JANUARY 2002 at a meeting at which a quorum was present with a vote of 2,256.8 FOR; -0-
28 AGAINST; 160.7 NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by
29 Section 1 (f) and (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the
30 Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
31 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
32 18, 1934 (48 Stat. 984).

RESOLUTION NO. 02-010

(Opposing Creation of a Federally-Controlled Tribal Leader Advisory Committee and Supporting a Tribal-Controlled Trust Reform Task Force)

Page 3 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

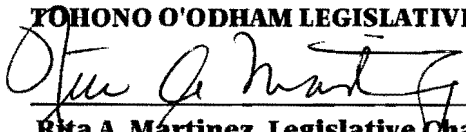
TOHONO O'ODHAM LEGISLATIVE COUNCIL

Rita A. Martinez, Legislative Chairwoman
9th day of January, 20 02

ATTEST:


Julianna Saraficio, Acting Legislative Secretary

09 day of January, 20 02.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 9th day of January, 20 02 at 1:33 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

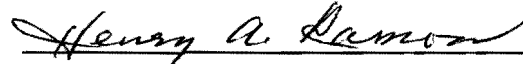
TOHONO O'ODHAM LEGISLATIVE COUNCIL

Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 08 day of January, 20 02

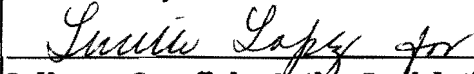
DISAPPROVED

at 2:20 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 09 day of

January, 20 02, at 2:30 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: OPPOSING CREATION OF A FEDERALLY-CONTROLLED TRIBAL LEADER ADVISORY COMMITTEE AND SUPPORTING A TRIBAL-CONTROLLED TRUST REFORM TASK FORCE

Moved: COUNCILWOMAN EVELYN JUAN

SECOND: VICE CHAIRMAN CAMILLUS LOPEZ

DATE: JANUARY 09, 2002

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			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			X
	2. EMILIO LEWIS (Michael Flores)	94.15	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			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			
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	2,256.8	-0-	160.7	[05]

****PASSED VOTES**