

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposition to the Department of the Interior's December 4, 2002 Trust Restructuring
Plan and Support for an Honest Planning Process)**

RESOLUTION NO. 03-227

1 **WHEREAS, the Department of the Interior on December 4, 2002 announced a trust restructuring**
2 **plan, submitted a letter to the Congressional Appropriations Committees requesting**
3 **permission to reprogram \$5 million to begin the restructuring process, and held a**
4 **private briefing for five tribal leaders; and**

5 **WHEREAS, the Department of the Interior has pursued a dishonest process for trust management**
6 **planning that excluded Bureau of Indian Affairs officials who understand trust**
7 **programs from the planning process and that disregarded the recommendations of**
8 **the Tribal Trust Reform Task Force; and**

9 **WHEREAS, the Assistant Secretary for Indian Affairs held a private briefing for representatives of**
10 **compact tribes with small land bases and for tribes in the BIA Eastern Region (which**
11 **has only 1 Individual Indian Monies ("IIM") account); and**

12 **WHEREAS, the leaders of tribes with large land bases and significant numbers of allotted lands**
13 **and IIM accounts - tribes that would be most affected by the trust restructuring plan -**
14 **were not invited to the December 4, 2002 briefing; and**

15 **WHEREAS, the Department of the Interior ("DOI") in its December 16, 2002 meeting with the**
16 **Tribal Task Force did not disclose that the DOI had submitted a reprogramming**
17 **request to the Congress on December 4 and that the House Committee on**
18 **Appropriations staff had approved the reprogramming request on December 10; and**

19 **WHEREAS, the Office of Special Trustee was first provided significant funding by Senator Slade**
20 **Gorton in FY 1996 when he transferred funding for the BIA's Office of Trust Funds**
21 **Management ("OTFM") and the IIM account offices from the BIA to the Office of Special**
22 **Trustee ("OST"); and**

23 **WHEREAS, Senator Slade Gorton in FY 1996 proposed to transfer all BIA funding for resources**
24 **management and trust services programs from the BIA to the OST; and**

25 **WHEREAS, the trust restructuring plan would fulfill the plan proposed by Senator Slade Gorton**
26 **in FY 1996; and**

27 **WHEREAS, Mr. Ross Swimmer has been appointed to be the Special Trustee; and**

28 **WHEREAS, Mr. Ross Swimmer, in his capacity as Assistant Secretary for Indian Affairs from 1985**

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1 to 1989, proposed to contract the management of Indian trust funds to the Mellon
2 Bank, consistently opposed tribal self-determination contracting, and established
3 “self-governance” compacts as a way to divide tribal governments; and

4 **WHEREAS, the BIA has been historically set up for failure by being provided with inadequate**
5 **resources to carry out its complex trust responsibilities to the tribes; and**

6 **WHEREAS, the December 4, 2002 trust restructuring plan does not indicate where the BIA**
7 **Agencies, field offices and tribal governments will fit into the trust reform process; and**

8 **WHEREAS, the DOI has not answered questions regarding the design and implementation of the**
9 **trust restructuring plan and has turned to the BIA Regions and Agencies for comments**
10 **and suggestions only after the DOI has decided to restructure the BIA; and**

11 **WHEREAS, the proposed Trust Officers who will work for the Office of Special Trustee will slow**
12 **down and impede the trust responsibility work of BIA resource management and trust**
13 **services personnel; and**

14 **WHEREAS, the proposal to take all administrative functions away from the BIA and have all**
15 **administrative staff report to Mr. Jim McDivitt, Deputy Assistant Secretary for**
16 **Management, will slow down the ability of the BIA to fill vacant trust positions and to**
17 **execute other administrative tasks; and**

18 **WHEREAS, the DOI December 4, 2002 trust restructuring plan will only make trust management**
19 **problems worse; and**

20 **WHEREAS, the trust restructuring plan is in reality a plan developed to dismantle the BIA; and**

21 **WHEREAS, Senator John McCain, Senator Tom Daschle and Senator Jim Johnson introduced S.**
22 **175, the Indian Trust Asset and Trust Fund Management and Reform Act of 2003, in the**
23 **United States Senate on January 15, 2003; and**

24 **WHEREAS, S. 175 may serve as a vehicle for honest and meaningful discussion of trust**
25 **management problems and as a forum for the development of a real trust**
26 **management improvement plan; and**

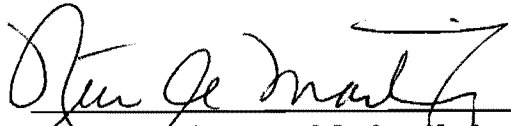
27 **WHEREAS, the land-based tribes must provide leadership in the development of a trust reform**
28 **plan and must not allow the compact tribes to dominate the planning process as they**
29 **did during the tribal trust reform task force meetings in 2002.**

NOW, THEREFORE, BE IT RESOLVED, that the Tohono O'odham Nation:

- 1. Adamantly opposes the Department of the Interior's December 4, 2002 trust restructuring plan.**
- 2. Urges the Senate Committee on Indian Affairs to hold hearings on S. 175 as a means to the development of a meaningful trust reform plan.**
- 3. Calls upon the Secretary of the Interior to fill the Assistant Secretary for Indian Affairs position with an individual who understands the federal government's trust responsibility programs, who will not need to obtain on-the-job training regarding the BIA trust programs, and who will devote full-time efforts to resolving the trust management problems.**
- 4. Calls upon Mr. Jim McDivitt to reprogram unobligated BIA Central Office funds to conduct background investigations on new hires and to take other actions to expeditiously recruit and fill the 400 vacant positions in the BIA trust programs.**
- 5. Calls upon the Secretary of Interior to assemble a technical task team composed of BIA Regional Directors, Agency Superintendents, Real Estate Services personnel and other BIA staff who have the knowledge and the expertise to address the trust management issues.**
- 6. Calls upon the land-based tribes to take the lead in developing an effective trust management reform plan that will not result in the termination of the federal government's trust relationship with Indian tribes.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH Day of MAY, 2003 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Rita A. Martinez, Legislative Chairwoman

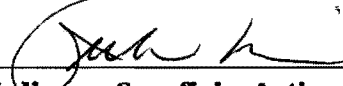
12th day of May, 2003

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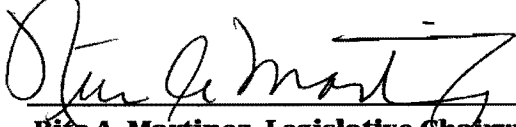
1 **ATTEST:**

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4 **Julianna Saraficio, Acting Legislative Secretary**

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6 09th day of May, 20 03.

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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
9 **Nation on the 12th day of May, 20 03 at 1:20 o'clock, P.M.,**
10 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
11 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
12 **submittal.**

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

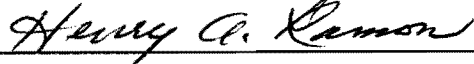
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18 **Rita A. Martinez, Legislative Chairwoman**

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23 **APPROVED**

on the 14 day of May, 20 03

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25 **DISAPPROVED**

at 12:25 o'clock, P.M.

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29 **EDWARD D. MANUEL, Chairman**
30 **TOHONO O'ODHAM NATION**

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35 **Returned to the Legislative Secretary on the 14th day of**
36 **May, 20 03, at 12:37 o'clock, P.M.**

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41 **Julianna Saraficio, Acting Legislative Secretary**

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ACTION: OPPOSITION TO THE DEPARTMENT OF THE INTERIOR'S DECEMBER 4, 2002 TRUST RESTRUCTURING PLAN AND SUPPORT FOR AN HONEST PLANNING PROCESS

Moved: COUNCILWOMAN FERN SALCIDO

SECOND: COUNCILMAN KENNETH WILLIAMS

DATE: MAY 09, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			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. JEROME JOAQUIN ()	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	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			X
	2. PATRICIA CRUZ (Johnson Jose)	87.35	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. FELICIA NUÑEZ ()	92.35	X			X
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			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 (Nicholas Jose)	92.35	X			
	2. RITA MARTINEZ ()	92.35	X			
TOTAL		2,417.5	2,417.5	-0-	-0-	[04]

****PASSED VOTES**