

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Opposing the Nomination of William G. Myers III for Confirmation to a Lifetime Seat  
on the United States Court of Appeals for the Ninth Circuit)**

**RESOLUTION NO. 05-106**

1 **WHEREAS, on February 16, 2005, the National Congress of American Indians (NCAI) broadcast an**  
2 **urgent action request asking tribes to submit letters to their senators opposing the**  
3 **nomination of William G. Myers III for confirmation to a lifetime seat on the United**  
4 **States Court of Appeals for the Ninth Circuit; and**

5 **WHEREAS, the Ninth Circuit Court of Appeals is the federal appellate court for the Tohono**  
6 **O'odham Nation and the Tohono O'odham has a direct interest in the judges**  
7 **appointed to the Ninth Circuit; and**

8 **WHEREAS, research was conducted into Mr. Myers' history that revealed that on numerous**  
9 **occasions Mr. Myers has misconstrued the clear intent of the law to achieve**  
10 **ideological objectives, which has resulted in criticism from federal courts reviewing**  
11 **Mr. Myers' opinions; and**

12 **WHEREAS, while he was the Department of the Interior Solicitor, despite the well documented**  
13 **government-to-government relationship, Mr. Myers failed to consult with tribes on**  
14 **issues regarding mining permits on sacred lands, despite repeated contacts with the**  
15 **companies seeking the permits; and**

16 **WHEREAS, Mr. Myers' actions and legal opinions related to issuing mining permits are especially**  
17 **troubling since Mr. Myers was a former lobbyist for the mining industry; and**

18 **WHEREAS, Mr. Myers' misconception of the law and actions in direct conflict with regulation and**  
19 **policy call into question Mr. Myers' ethics and ability to be neutral fact finder, both**  
20 **of which are indispensable traits for one escalated to the status of federal judge; and**

21 **WHEREAS, if confirmed, Mr. Myers' personal opinions are likely to lead him to issue detrimental**  
22 **decisions that lack solid legal foundation on Indian related matters.**

23 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it does hereby**  
24 **oppose the nomination and confirmation of William G. Myers III as Judge for the**  
25 **Ninth Circuit Court of Appeals or any federal judgeship.**

26 **BE IT FURTHER RESOLVED that the Tohono O'odham Nation supports the National Congress of**  
27 **American Indian's continued opposition to Mr. Myers' nomination, as expressed in**  
28 **NCAI resolution # ABQ-03-061.**

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1 **BE IT FURTHER RESOLVED** that the Tohono O'odham Nation respectfully urges President Bush to  
2 **reconsider and withdraw Mr. Myers' nomination.**

3 **BE IT FURTHER RESOLVED** that the Senate Judiciary Committee is respectfully urged to consider  
4 **the strong opposition of the Tohono O'odham Nation.**

5 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council urges the Arizona  
6 **Delegation to oppose William G. Myers III for confirmation to a lifetime seat on the**  
7 **United States Court of Appeals for the Ninth Circuit.**

8 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18<sup>TH</sup> Day**  
9 **of FEBRUARY, 2005 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0-**  
10 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**  
11 **Section 1 (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**  
12 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
13 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
14 **Stat. 984).**

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16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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19 **Isidro Lopez, Legislative Chairman**

20 23<sup>rd</sup> day of February, 2005  
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24 **ATTEST:**

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26 \_\_\_\_\_  
27 **Lucille Lopez, Acting Legislative Secretary**

28 23<sup>rd</sup> day of February, 2005.  
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31 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**  
32 **O'Odham Nation on the 23<sup>rd</sup> day of February, 2005 at 1:40 o'clock,**  
33 **P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
34 **effective upon her approval or upon her failure to either approve or disapprove it within 48 hours**  
35 **of submittal.**

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37 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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39 \_\_\_\_\_  
40 **Isidro Lopez, Legislative Chairman**

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APPROVED

on the 24<sup>th</sup> day of February, 2005

DISAPPROVED

at 10:50 o'clock, A.M.



VIVIAN JUAN SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24<sup>th</sup> day of

February, 2005, at 10:56 o'clock, A.M.

  
Lucille Lopez, Acting Legislative Secretary

**ACTION: OPPOSING THE NOMINATION OF WILLIAM G. MYERS III FOR CONFIRMATION TO A LIFETIME SEAT ON THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

**MOVED: COUNCILMAN VERLON JOSE**

**SECOND: COUNCILMAN JEROME JOAQUIN**

**DATE: FEBRUARY 18, 2005**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
<b>SELLS</b> 465.6	1. DENNIS E. JOSE ( )	232.80	X			X
	2. EVELYN JUAN ( )	232.80	X			
<b>SCHUK TOAK</b> 176.1	1. FRANCES B. CONDE ( )	88.05	X			
	2. PHYLLIS JUAN ( )	88.05	X			
<b>SAN XAVIER</b> 215.4	1. FELICIA NUÑEZ ( <i>Absent</i> ) (Olivia Liston-Villegas) ( <i>Present</i> )	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			X
<b>SAN LUCY</b> 166.3	1. JOHN W. LAWSON, SR. ( )	83.15	X			
	2. GLORIA RAMIREZ ( )	83.15	X			
<b>PISINEMO</b> 175.4	1. BARBARA SALVICIO ( )	87.70	X			
	2. PATRICIA CRUZ ( )	87.70	X			
<b>HICKIWAN</b> 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ( )	85.15	X			
<b>GU VO</b> 191.4	1. RAYMOND VICTOR ( )	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			X
<b>GU ACHI</b> 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
<b>CHUKUT KUK</b> 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
<b>BABOQUIVARI</b> 364.1	1. FRANCES MIGUEL ( Lucilda Norris-Valenzuela )	182.05	X			
	2. FRANCES G. ANTONE ( )	182.05	X			
<b>TOTAL</b>		<b>2,629.7</b>	<b>2,629.7</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>

**\*\*PASSED VOTES**