

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Submission of *Amicus Curiae* Brief in *Tohono O'odham Advocate Program, et al., v. Norris, et al.*)

LEGISLATIVE ORDER NO. 05-244

1 WHEREAS, Article VI, Section 1 of the Constitution of the Tohono O'odham Nation provides that
2 "The Tohono O'odham Council shall have all of the legislative powers vested in the
3 Tohono O'odham Nation."; and

4 WHEREAS, on April 19, 2005 the Tohono O'odham Judicial Court heard arguments in *Tohono*
5 *O'odham Advocate Program, et al., v. Norris, et al.* a case raising significant legal
6 issues for the Nation's government, including the proper distribution of powers
7 between the legislative and judicial branches, the sovereign immunity of the Nation's
8 officials and the power to regulate the practice of law on the Nation; and

9 WHEREAS, the Judicial Court subsequently issued a written opinion granting in part and denying
10 in part the relief requested by the Advocate Program; and

11 WHEREAS, the Advocate Program has indicated that it will appeal the trial court's ruling to the
12 Tohono O'odham Court of Appeals; and

13 WHEREAS, the Legislative Council has a significant interest in the court's determinations
14 regarding the issues raised and has already been called upon to address aspects of
15 the court's ruling with remedial legislation; and

16 WHEREAS, given the Council's interests in the final outcome of this case and the impact the
17 Court of Appeals' ruling may have on the future exercise of legislative powers, it is in
18 the Council's best interest to present its position by filing an *amicus curiae* brief with
19 the Court of Appeals.

20 NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it hereby
21 directs the legislative attorney to submit an *amicus curiae* brief on the Council's
22 behalf in the appeal from the trial court's opinion *in Tohono O'odham Advocate*
23 *Program, et al., v. Norris, et al.*, provided that the contents of the brief shall be
24 reviewed by the Domestic Affairs Committee, Judiciary Committee and Legislative
25 Council Chairman and Vice Chairwoman.

26 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 09TH Day of
27 MAY, 2005 at a meeting at which a quorum was present with a vote of 2,629,7 FOR; -0- AGAINST; -0-
28 NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Section 1 of Article
29 V and Section 1 (f) 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).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Isidro Lopez, Legislative Chairman

ATTEST:



Lucille Lopez, Acting Legislative Secretary

ACTION: AUTHORIZING SUBMISSION OF *AMICUS CURIAE BRIEF IN TOHONO O'ODHAM ADVOCATE PROGRAM, ET AL., V. NORRIS, ET AL.*

MOVED: COUNCILMAN VERLON JOSE

SECOND: COUNCILWOMAN EVELYN JUAN

DATE: MAY 09, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			X
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			X
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ (Olivia Liston-Villegas)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			X
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			X
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Absent) (Juanita Homer) (Present)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			X
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,629.7	-0-	-0-	[05]

**PASSED VOTES