

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Condemning Unauthorized Genetic Research on Native Americans)**

**RESOLUTION NO. 06-600**

- 1 **WHEREAS, Tohono O'odham Legislative Council supports the efforts of the Havasupai Indian**  
2 **Tribe to protect against unauthorized genetic research on its members and other**  
3 **indigenous populations; and**
- 4 **WHEREAS, the Havasupai claim that Arizona State University ("ASU") used blood samples taken**  
5 **from its members for diabetes prevention and treatment to conduct research on**  
6 **schizophrenia and inbreeding, stigmatizing the Havasupai people, damaging their**  
7 **dignity and causing them emotional harm; and**
- 8 **WHEREAS, the Havasupai claim that ASU also used Havasupai blood samples to attempt to**  
9 **prove that the Havasupai and all American Indians are not indigenous to the North**  
10 **American continent and are the descendants of an Asian migratory population,**  
11 **which is contrary to the traditional spiritual beliefs of the Havasupai Tribe as well**  
12 **as other Indian nations; and**
- 13 **WHEREAS, the Havasupai claim that ASU never informed the Tribe or its members that their**  
14 **blood would be used for any purpose other than diabetes prevention and**  
15 **treatment; and**
- 16 **WHEREAS, Tohono O'odham Legislative Council recognizes that the genetic information of**  
17 **isolated indigenous populations like the Havasupai is valuable to research**  
18 **institutions as well as the medical and pharmaceutical industries; further, tribes**  
19 **have a right to informed consent regarding research projects on their members,**  
20 **and should be afforded a right to negotiate for a share of the benefits from such**  
21 **research, such as patents and medical benefits; and**
- 22 **WHEREAS, the Havasupai claim that ASU intentionally deceived the Havasupai Tribal Council**  
23 **in order to obtain access to the Tribe's valuable genetic information, enriching ASU**  
24 **researchers and their affiliates, and depriving the Tribe of any benefit from said**  
25 **research; and**
- 26 **WHEREAS, the Havasupai Indian Tribe filed a lawsuit against ASU on behalf of its members**  
27 **alleging, among other things, fraud, negligence and infliction of emotional distress,**  
28 **and dignitary harm; and**

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1 **WHEREAS, the costs of litigation have imposed a financial burden on the Havasupai Tribe,**  
2 **which does not engage in gaming and does not have significant financial resources,**  
3 **causing the Havasupai has established a Public Relations Fund and a Legal Defense**  
4 **Fund to proceed with its litigation and vindicate its rights; and**

5 **WHEREAS, the Havasupai's action against ASU is a case of first impression with implications**  
6 **for the rights of all Indian tribes, and the Havasupai seeks resolutions of moral**  
7 **support from Indian tribes and intertribal organizations.**

8 **NOW, THEREFORE BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**  
9 **supports the Havasupai Indian Tribe in its efforts to protect its members against**  
10 **unauthorized research on their blood and condemns any unauthorized genetic**  
11 **research on Native American populations by Arizona State University or its**  
12 **affiliates, or any other entity.**

13 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council calls upon**  
14 **the Governor of the State of Arizona to investigate the claims of the Havasupai**  
15 **Indian Tribe and to confer with the Arizona Board of Regents to ensure that the**  
16 **Havasupai's claims are addressed promptly and appropriately.**

17 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council calls upon**  
18 **Arizona Board of Regents and the President of Arizona State University to publicly**  
19 **address the Havasupai's claims and to compensate the Tribe and its members for**  
20 **any and all injuries to the Tribe or benefits received by ASU or its affiliates resulting**  
21 **from its genetic project at Havasupai.**


22 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council calls upon**  
23 **Arizona Board of Regents and the President of Arizona State University to ensure**  
24 **that ASU policies and procedures protect Indian tribes and tribal members against**  
25 **unauthorized genetic research without prior written consent.**

26 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council admonishes**  
27 **Arizona State University and the State of Arizona for the apparent fraud on the**  
28 **Havasupai Indian Tribe by knowingly misrepresenting the purpose of the blood**  
29 **draws as diabetes testing in order to get access to the Tribe's genetic material.**

1 BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby (1) calls  
2 upon Indian tribes and intertribal organizations, including the National Congress  
3 of American Indians and the National Indian Health Board, to support the  
4 Havasupai Indian Tribe in its efforts to fight the unauthorized testing of Native  
5 American genetic material for any purpose and (2) urges the United States Congress  
6 to investigate the violations alleged by the Havasupai Indian Tribe.


7 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14<sup>TH</sup> Day  
8 of SEPTEMBER, 2006 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0-  
9 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by  
10 Section 1 (D)(j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the  
11 Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
12 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June  
13 18, 1934 (48 Stat. 984).

14  
15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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19 Evelyn B. Juan Manuel, Legislative Chairwoman

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21 14<sup>th</sup> day of September, 2006


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23 ATTEST:

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27 Lucille Lopez, Acting Legislative Secretary

28  
29 14 day of September, 2006.

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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 14<sup>th</sup> day of September, 2006 at 11:27 o'clock, A.M.,  
33 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
34 upon her approval or upon her failure to either approve or disapprove it within 48 hours of  
35 submittal.

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37 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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41 Evelyn B. Juan Manuel, Legislative Chairwoman

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APPROVED

on the 14<sup>th</sup> day of September, 2006

DISAPPROVED

at 1:35 o'clock, P.M.

*Vivian Juan Saunders*

**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 14 day of

September, 2006, at 1:41 o'clock, P.M.

*Lucille Lopez*

**Lucille Lopez, Acting Legislative Secretary**

ACTION: CONDEMNING UNAUTHORIZED GENETIC RESEARCH ON NATIVE AMERICANS

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN PHYLLIS JUAN

DATE: SEPTEMBER 11, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			
	2. FRANCES G. ANTONE <i>(Absent)</i> (Lucilda J. Valenzuela (Norris)) <i>(Present)</i>	155.40	X			
<b>CHUKUT KUK</b> 258.7	1. ETHEL GARCIA ( )	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
<b>GU ACHI</b> 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
<b>GU VO</b> 193.1	1. RAYMOND VICTOR ( )	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			X
<b>HICKIWAN</b> 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ( )	83.70	X			
<b>PISINEMO</b> 171.8	1. BARBARA SALVICIO ( )	85.90	X			
	2. GERALD FAYUANT ( )	85.90	X			
<b>SAN LUCY</b> 169.0	1. JOHN W. LAWSON, SR. ( )	84.50	X			
	2. GLORIA RAMIREZ ( )	84.50	X			
<b>SAN XAVIER</b> 193.8	1. FELICIA NUÑEZ ( )	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			X
<b>SCHUK TOAK</b> 146.9	1. FRANCES B. CONDE ( )	73.45	X			
	2. PHYLLIS JUAN ( )	73.45	X			
<b>SELLS</b> 421.0	1. MARLENE SARAFICIO-JUAN ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			X
<b>SIF OIDAK</b> 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			X
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
<b>TOTAL</b>		<b>2,440.80</b>	<b>2,440.80</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>

\*\*PASSED VOTES