

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing BIA "Modernization Initiative" as Undermining Federal Trust
Obligation to Indian People)**

RESOLUTION NO. 07-685

1 **WHEREAS, sovereign Indian tribes, including the Tohono O'odham Nation, share a unique trust**
2 **relationship with the United States of America, which is embodied in the Constitution**
3 **of the United States, numerous court opinions, statutes, executive orders, and federal**
4 **agency policies; and**

5 **WHEREAS, by its passage and implementation of the Indian Self-Determination and Education**
6 **Assistance Act (25 U.S.C. § 450 et seq.) and similar legislation, the United States of**
7 **America has recognized the need to work with Indian tribes on a government-to-**
8 **government basis and to support Indian tribal self-determination and self-**
9 **governance; and**

10 **WHEREAS, Executive Order 13175, "Consultation and Coordination with Indian Tribal**
11 **Governments" ("Consultation Order"), mandates that Executive Branch agencies work**
12 **with tribes when formulating and implementing policies or taking other actions that**
13 **have a substantial direct effect on any Indian tribe; and**

14 **WHEREAS, the Consultation Order and other executive orders and memoranda require that**
15 **Executive agencies ensure that there is "meaningful" and "timely" tribal input when**
16 **formulating policies that have tribal implications; and**

17 **WHEREAS, in response to the Cobell v. Kempthorne class action lawsuit, the Department of**
18 **Interior ("DOI") has planned and executed numerous reorganizations of Indian**
19 **programs within and outside the Bureau of Indian Affairs ("BIA"), often without**
20 **meaningful or timely tribal input and despite tribal objections; and**

21 **WHEREAS, such efforts are frequently presented by individuals with little or no expertise in the**
22 **Indian trust programs, or who prioritize the development of Indian resources over**
23 **performance of the federal government's trust responsibilities; and**

24 **WHEREAS, these efforts have consistently resulted in the reduction of funding for essential Indian**
25 **programs; and**

26 **WHEREAS, most recently, a "modernization initiative" is being promoted by Office of Indian**
27 **Energy and Economic Development Director Robert Middleton, who served on the**
28 **Presidential Task Force on Energy Project Streamlining with former energy lobbyist**
29 **and DOI Deputy Secretary J. Steven Griles; and**

1 **WHEREAS, Mr. Griles, who had significant responsibility for the DOI's previous Indian trust asset**
2 **management reorganization, subsequently pleaded guilty to obstruction of justice for**
3 **lying to the Congress; and**

4 **WHEREAS, in violation of the Consultation Order and the principles of self-determination, the**
5 **Tohono O'odham Nation and other tribes have received no meaningful description of**
6 **the modernization initiative, its impacts, or the true basis for pushing it forward; and**

7 **WHEREAS, instead, at a September 26, 2007 Western Region meeting to present the initiative, Mr.**
8 **Middleton provided tribes with a vague presentation that failed to disclose the**
9 **initiative's details or its rationale; and**

10 **WHEREAS, in response, Western Region tribes (1) refused the DOI's request to support further**
11 **reductions in Indian programs and services by helping recommend additional BIA**
12 **budget cuts for FY 2009 and (2) opposed the modernization initiative or similar BIA**
13 **reorganizations on grounds that such efforts are designed to save the federal**
14 **government money at the expense of diminished services to tribes and fewer**
15 **resources to carry out federal Indian trust obligations; and**

16 **WHEREAS, Mr. Middleton responded to the tribal leaders' description of budget cuts by saying the**
17 **leaders present did not understand the federal budget process; and**

18 **WHEREAS, to the contrary, the BIA's own budget requests fully support the tribes' position: the**
19 **BIA requested a -2.3% change in its FY 2005 budget over the previous fiscal year, a -**
20 **4.7% change in FY 2006, a -2.3% change in FY 2007, and a -3.4% change in FY 2008; and**

21 **WHEREAS, history likewise supports the leaders' conclusion that reorganizations hurt Indian**
22 **programs and squander millions of dollars; and**

23 **WHEREAS, the BIA has spent more than \$40 million on the dysfunctional Trust Asset Accounting**
24 **and Management System ("TAAMS") and over \$100 million to improve its Indian trust**
25 **systems, but remains inaccessible by Internet due to inadequate system security; and**

26 **WHEREAS, on September 26, 2007 DOI Inspector General Earl E. Devaney reported that his office**
27 **had launched an investigation into a \$149 million Minerals Management Service**
28 **computer system that could be considered a "profound failure," a system that is**
29 **responsible for handling over \$8 billion in oil and gas payments on federal and Indian**
30 **lands; and**

1 **WHEREAS, the DOI, whose overall computer system has been rated one of the worst in the**
2 **government due to lax security, has spent hundreds of millions of dollars on faulty or**
3 **failed systems affecting Indian trust assets; and**

4 **WHEREAS, the DOI is now planning to further reorganize Indian programs without truly**
5 **consulting or communicating with Indian tribes, despite the fact that its latest**
6 **initiative will continue the pattern of funding reductions at the agency level and a**
7 **corresponding decrease in trust-related services to Indian people; and**

8 **WHEREAS, in light of this history, the modernization initiative can only be viewed as another**
9 **attempt to diminish and undermine the federal government's Indian trust**
10 **responsibilities.**

11 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby opposes**
12 **the BIA "modernization initiative" and urges that, in the absence of clear objectives,**
13 **meaningful tribal input, or any plausible rationale that the initiative will help the DOI**
14 **better perform its trust obligations to Indian people, that the initiative be withdrawn.**

15 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council hereby urges the**
16 **members of the United States Congress to reject any reduction in the FY 2009 BIA**
17 **budget.**

18 **BE IT FURTHER RESOLVED that the Chairman of the Tohono O'odham Nation is hereby authorized**
19 **to execute and forward letters to DOI Secretary Kempthorne, Assistant Secretary for**
20 **Indian Affairs Carl Artman, the Native American Rights Fund, and members of the**
21 **Arizona delegation to the United States Congress opposing the modernization**
22 **initiative, and urging that it be withdrawn and that no further initiative-related action**
23 **be taken without meaningful tribal consultation.**

24 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes and directs its**
25 **delegation to the 2007 Annual Session of the National Congress of American Indians**
26 **("NCAI") to submit this resolution to NCAI for its approval.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH. Day**
28 **of OCTOBER, 2007 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0-**
29 **AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by**
30 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
31 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
32 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
33 **Stat. 984).**

34
35
36
37

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
46
47

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Verlon M. Jose, Legislative Chairman

19 day of October, 2007

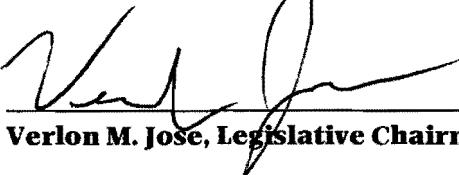
ATTEST:


Lucille Lopez, Acting Legislative Secretary

15 day of October, 2007.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 19 day of October, 2007 at 9:48 o'clock, A.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


Verlon M. Jose, Legislative Chairman

APPROVED

on the 19 day of October, 2007

DISAPPROVED

at 9:45 o'clock, A.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of

October, 2007, at 9:47 o'clock, A.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: OPPOSING BIA "MODERNIZATION INITIATIVE" AS UNDERMINING FEDERAL TRUST OBLIGATION TO INDIAN PEOPLE

Moved: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILWOMAN ETHEL GARCIA

DATE: OCTOBER 15, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE ()	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			X
	2. MICHAEL FLORES ()	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			X
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			X
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			X
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			X
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[05]

****PASSED VOTES**