

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Filing of an *Amicus Curiae* Brief in *Friendly House v. Whiting*)

RESOLUTION NO. 10-245

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "provide for the**
2 **maintenance of law and order and the administration of justice." (Constitution of the**
3 **Tohono O'odham Nation, Article VI, Section 1(c)(6)); and**

4 **WHEREAS, *Friendly House v. Whiting*, a case currently pending in Federal District Court for the**
5 **District of Arizona, was filed by the American Civil Liberties Union (ACLU) and other**
6 **parties in order to challenge the newly passed Arizona law called the "Support Our Law**
7 **Enforcement and Safe Neighborhoods Act," commonly known as SB 1070; and**

8 **WHEREAS, the Tohono O'odham Legislative Council and the Chairman of the Nation previously**
9 **expressed opposition to SB 1070 by enacting Resolution No. 10-184, "Opposing Arizona**
10 **Senate Bill 1070 as Discriminatory State Legislation," and by voting in favor of the**
11 **similarly worded resolution adopted by the Inter Tribal Council of Arizona on June 4,**
12 **2010; and**

13 **WHEREAS, on June 23, 2010, the National Congress of American Indians passed Resolution No.**
14 **RAP-10-014 opposing SB 1070 and supporting lawful measures to repeal or invalidate**
15 **it; and**

16 **WHEREAS, counsel for plaintiff ACLU approached the Nation and solicited its participation**
17 **because no Native American perspective had otherwise been provided to the court**
18 **before which the case is pending; and**

19 **WHEREAS, the Tohono O'odham Legislative Council recognizes that the Tohono O'odham Nation**
20 **has concerns about SB 1070 that are unique to the Nation's status as a sovereign**
21 **people whose land and people were divided by the international border between the**
22 **United States and Mexico.**

23 **NOW, THEREFORE, BE IT RESOLVED that Tohono O'odham Legislative Council authorizes and**
24 **approves the filing of an *amicus curiae* brief in *Friendly House v. Whiting* in Federal**
25 **District Court for the District of Arizona, in support of the position that SB 1070 is**
26 **discriminatory legislation that would have a unique and adverse impact on the**
27 **Tohono O'odham Nation and its members.**

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 24TH Day**
29 **of JUNE, 2010 at a meeting at which a quorum was present with a vote of 2,408.40 FOR; -0- AGAINST;**
30 **-01- NOT VOTING; and 187.10[03] ABSENT, pursuant to the powers vested in the Council by Article**
31 **VI, Section 1 (c)(6) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
32 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
33 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
34 **Stat. 984).**
35

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

29th day of June, 2010

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

29 day of June, 2010.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 29th day of June, 2010 at 5:11 o'clock, P.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

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 30th day of June, 2010

DISAPPROVED

at 10:44 o'clock, A.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 30 day of

June, 2010, at 11:10 o'clock, A.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

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ACTION: AUTHORIZING THE FILING OF AN AMICUS CURIAE BRIEF IN FRIENDLY HOUSE V. WHITING

MOVED: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILWOMAN KIMBERLY LISTO

DATE: JUNE 24, 2010

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55				X
	2. GLORIA RAMIREZ ()	93.55				X
PISINEMO 184.5	1. CHESTER ANTONE <i>(Absent)</i> (Tony Murrietta) <i>(Present)</i>	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			X
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X		X	
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL <i>(Absent)</i> (Roberta Harvey) <i>(Present)</i>	162.0	X			
	2. FRANCES G. ANTONE <i>(Absent)</i> (Vernon Smith) <i>(Present)</i>	162.0	X			
TOTAL		2,595.50	2,408.40	-0-	-01-	187.10 [03]