

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM COUNCIL
(Approving appeal in Garcia v. Tohono O'Odham Council)

LEGIS. ORDER NO. 284-88

1 WHEREAS, the Judicial Court of the Tohono O'Odham Nation did on
2 September 28, 1988, in Garcia v. Tohono O'Odham Council,
3 Case No. 88-C-4890, enter an Opinion and Order and a
4 Write of Mandamus ordering the Legislative Council to
5 prepare and submit a new, court approved apportionment
6 plan reapportioning the votes on the Legislative
7 Council; and

8 WHEREAS, the Council has been advised that compliance by the
9 Court with the Court's order and writ of mandamus will
10 result in a malapportionment of the votes since it will
11 cause certain representatives on the Council to include
12 in their votes the count of resident members who are
13 registered to vote elsewhere; will result in the
14 destruction of custom and tradition which encourage
15 members to register and vote in the districts of their
16 forebears; and will result in an impermissible
17 interference by the judicial branch in the legislative
18 prerogative of this Council.

19 NOW, THEREFORE, it is hereby ordered that the Council does hereby
20 appeal the Court's opinion, order and writ of mandamus
21 entered in Garcia v. Tohono O'Odham Council, and that
22 the Chairperson of the Council and the attorneys and
23 other appropriate officers of the Nation are hereby
24 authorized and directed to file and prosecute all proper
25 appeals and stays thereof.

26 The foregoing Legislative Order was passed by the Tohono O'odham
27 Council on the 11th. day of October, 1988 at a meeting at which
28 a quorum was present with a vote of 1,113.5 for; 405.0 against;
29 121.5 not voting; and 02 absent, pursuant to the powers vested
30 in the Council by Section 7 of Article X of the Constitution of
31 the Tohono O'odham Nation, adopted by the Tohono O'odham Nation
32 on January 18, 1986, and approved by the Acting Deputy Assistant
Secretary - Indian Affairs (Operations) on March 6, 1986,
pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.
984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Andrew M. Patricio
Harriet Toro, Legislative Chairperson

17 day of Oct., 1988.

ATTEST:

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary

17th day of October, 1988.

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MOVED: Joann Garcia

SUBJECT: Approving appeal in

SECOND: Rosita Ruiz

Garcia v. Tohono O'Odham Council

DATE: October 11, 1988

LEGISLATIVE ORDER #284-88

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 138.0	1. Nicholas Jose (Letitia Garcia)	69.0	X			
	2. Willard Juan, Sr. (Melissa Gregorio)	69.0	X			
SELLS 257.0	1. Andrew Patricio (Daniel Lopez)	128.5		X		
	2. Fred Stevens ()	128.5		X		
SCHUK TOAK 105.0	1. Julia Carrillo (JoAnn Francisco)	52.5	X			
	2. Joseph Juan (Frances Francisco)	52.5	X			
SAN XAVIER 126.0	1. Eugene Enis (Michael Rios)	63.0			X	
	2. Tony Felix (Carmelita Mattias)	63.0		X		
BABOQUIVARI 241.0	1. Kenneth Chico, Sr. ()	120.5	X			
	2. Joann Garcia (Frances Miguel)	120.5	X			
GU ACHI 158.0	1. Percy Lopez ()	79.0	X			
	2. Fernando Joaquin ()	79.0	X			
PISINEMO 116.0	1. Johnson Jose ()	58.0	X			
	2. Edward Manuel ()	58.0	X			
SAN LUCY 85.0	1. Max Jose (Dewey Ortega)	42.5		X		X
	2. John Reno ()	42.5		X		
GU VO 117.0	1. Virgil Lewis (Roy Montana)	58.5	X			
	2. Cross Antone (Juan Joe Cipriano)	58.5			X	
HICKIWAN 128.0	1. Henry Ramon (Billy Manuel)	64.0	X			
	2. Lloyd Francisco (Eleanor Santos)	64.0	X			
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez)	84.5	X			
	2. Harriet Toro ()	84.5	X			X
TOTAL		1,640.0	1,113.5	405.0	121.5	02