

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(NCAI Support in Opposition to U.S. Supreme Court Decision
in Duro v. Reina)

RES. NO. 404-90


1 WHEREAS, on May 29, 1990 the United States Supreme Court in the
2 case of Duro v. Reina, No. 88-6546, held, Indian Tribes
3 cannot exercise criminal jurisdiction over non-member
4 Indians on the Reservation; and
5 WHEREAS, it is the position of the Tohono O'odham Legislative
6 Council that the United States Supreme Court decision in
7 Duro does not take into consideration the extreme negative
8 impact it will have on Indian tribes, and the tribes'
9 ability and self-determination to provide a safe living
10 environment to all persons (members, non-members, and non-
11 Indians) residing on the Tohono O'odham Nation; and
12 WHEREAS, it is the position of the Tohono O'odham Legislative
13 Council that the United States Supreme Court decision in
14 Duro is a racist decision; and
15 WHEREAS, it is the position of the Tohono O'odham Legislative
16 Council that the United States Supreme Court decision in
17 Duro has the effect of turning Indian against Indian
18 throughout Indian Country; and
19 WHEREAS, the Constitution of the Tohono O'odham Nation, approved
20 March 6, 1986, rightfully asserts sovereign powers,
21 authority, and jurisdiction of the Tohono O'odham Nation
22 and its government "to all persons....." within the
23 boundaries of the Tohono O'odham Nation..."
24 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Nation's
25 Legislative Council that it hereby opposes the decision
26 of the U. S. Supreme Court in Duro v. Reina and that it
27 hereby requests the support of this opposition by all
28 Indian Nations at the 47th Annual Convention of the
29 National Congress of American Indians.
30 BE IT FURTHER RESOLVED by the Tohono O'odham Nation's Legislative
31 Council that it hereby requests the U.S Supreme Court to
32 rescind its decision in Duro v. Reina and that it hereby
requests the support of all Indian Nations at the 47th

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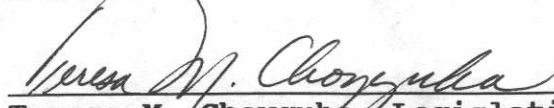
Annual Convention of the National Congress of American Indians in this request.

The foregoing Resolution was passed by the Tohono O'odham Council on the 8th. day of November, 1990 at a meeting at which a quorum was present with a vote of 1,618.0 for; -0- against; -0- not voting; 03 absent, pursuant to the powers vested in the Council by Section 1 (j) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation 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


Edward D. Manuel, Legislative Chairman
9th day of November, 1990.

ATTEST:



Teresa M. Choyguha, Legislative Secretary
9th day of November, 1990.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 9th day of November, 1990, at 6:46 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.

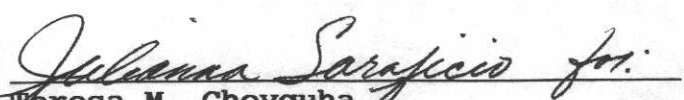
TOHONO O'ODHAM LEGISLATIVE COUNCIL


Edward D. Manuel, Legislative Chairman

APPROVED) on the 13 day of Nov., 1990.
 DISAPPROVED) at 12:07 o'clock, P.M.


ANGELO J. JOAQUIN, SR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13th day of November, 1990, at 4:05 o'clock, P.M.


Teresa M. Choyguha
Legislative Secretary

MOVED: Eugene Enis SUBJECT: NCAI Support in Opposition to
 SECOND: Alex Ramon U.S. Supreme Court Decision in Duro
 DATE: November 08, 1990 vs. Reina

RESOLUTION NO. 404-90

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
	2. Joann Garcia (Frances Miguel)	114.5	X			
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			
	2. Kenneth G. Williams (Harriet Toro)	81.5	X			
GU ACHI 166.0	1. Percy Lopez ()	83.0	X			
	2. Alex J. Ramon (Fernando Joaquin)	83.0	X			
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0	X			
	2. Virgil Lewis (Michael Flores)	57.0	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Lenora Montana ()	62.5	X			X
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			
	2. Edward Manuel** (Alex Antone)	59.5	X			
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0				X
	2. John Reno ()	53.0				X
SAN XAVIER 127.0	1. Eugene Enis. Sr. (Michael Rios)	63.5	X			
	2. Joanne C. Preston (Carmelita Mattias)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5	X			
	2. Joseph Juan (Frances Francisco)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Daniel Lopez)	155.0	X			
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0	X			
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			
TOTAL		1,724.0	1,618.0	-0-	-0-	03

**PASSED VOTES