

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Demanding that George S. Barnett Immediately Turn Over
Documents to the Attorney General and Authorizing the Attorney
General to Initiate Appropriate Proceedings if Mr. Barnett
Fails to Comply)

RES. NO. 91-034

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3 WHEREAS, George Salazar Barnett previously represented the Tohono
4 O'odham Nation in connection with the Nation's land and
5 water claims in Mexico; and

6 WHEREAS, Mr. Barnett's representation was conducted pursuant to an
7 attorney contract which terminated on September 30, 1990;
8 and

9 WHEREAS, Mr. Barnett has been granted no authority to represent the
10 Nation following the expiration of his contract; and

11 WHEREAS, Mr. Barnett has prepared and collected documents on behalf
12 of the Nation during the course of his former
13 representation; and

14 WHEREAS, these documents are the property of the Nation as a matter
15 of law; and

16 WHEREAS, Mr. Barnett has a legal and ethical duty to deliver these
17 documents to the Attorney General, as the legally
18 authorized official of the Nation; and

19 WHEREAS, Mr. Barnett has made repeated commitments to provide the
20 documents to the Attorney General or his staff; and

21 WHEREAS, on each occasion Mr. Barnett has failed and refused to
22 honor these commitments, and has not released any of the
23 documents to the Attorney General; and

24 WHEREAS, the documents are critical to the Nation's claims, and the
25 inability to secure the documents has caused and will
26 continue to cause prejudice to the Nation's legal
27 interests; and
28

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WHEREAS, there is an immediate need to secure the documents to avoid further prejudice.


NOW, THEREFORE, BE IT RESOLVED that:

1. On behalf of the Tohono O'odham Nation, the Legislative Council hereby directs and demands that, no later than three calendar days following the effective date of this Resolution, George Salazar Barnett release to the Chairman of the Nation, or his designee, and/or the Attorney General, or his designated staff, all documents previously requested by the Attorney General.

2. In the event Mr. Barnett fails or refuses to comply with the foregoing direction and demand, the Legislative Council authorizes the Attorney General to initiate appropriate proceedings against Mr. Barnett before the State Bar of Arizona, Tribal or other Courts, or other bodies to secure the return of the subject documents to the Tohono O'odham Nation.

The foregoing Resolution was passed by the Tohono O'odham Council on the 17th day of January 17, 1991 at a meeting at which a quorum was present with a vote of 1,642.50 for; 81.5 against; -0- not voting; 02 absent, pursuant to the powers vested in the Council by Section 1(c)(1), 2(a) and (d) of Article VI and Section 2 of Article XVII 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
17th day of January, 1991.

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ATTEST:

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary
17th day of January, 1991.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 17th day of January, 1991, at 4:12 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
Edward D. Manuel, Legislative Chairman

APPROVED) on the 18 day of January, 1991.
 DISAPPROVED) at 10:32 o'clock, A.M.

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

Returned to the Legislative Secretary on the 18th day of January, 1991, at 1:40 o'clock, P.M.

Yreinda Akley for:
Teresa M. Choyguha
Legislative Secretary

MOVED: Councilman Eugene EnisSUBJECT: DEMANDING THAT GEORGE S. BARNETT IMMEDIATELYSECOND: Councilman Alex RamonTURN OVER DOCUMENTS TO THE A.G. & AUTHORIZING A.G. TODATE: January 17, 1991INITIATE APPROP. PROCEEDINGS IF G.B. FAILS TO COMPLY

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico)	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 Williams (Harriet Toro)	81.5		X		
GU ACHI 166.0	1. Percy Lopez ()	83.0	X			
	2. Alex 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			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	1,642.5	81.5	-0-	02

**PASSED VOTES