

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Reaffirming Civil and Criminal Jurisdiction Over San Lucy Farm)**

RES. NO. 91-476

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WHEREAS, in 1988, the Tohono O'odham Nation purchased the Schramm Ranch (now known as the San Lucy Farm) as the initial acquisition of lands under the Gila Bend Indian Reservation Lands Replacement Act, P.L. 99-503 (The "Act") to replace the Reservation lands made unusable due to flooding caused by the Painted Rock Dam; and

WHEREAS, the Tohono O'odham Nation asserts and maintains that the San Lucy Farm is tribal trust land, as contemplated by Section 6(d) of the Act; and

WHEREAS, as trust lands, the San Lucy Farm is within the territorial jurisdiction of the Nation for purposes of applying the Nation's civil and criminal laws; and

WHEREAS, on October 9, 1991, an incident occurred at the San Lucy Farm which was investigated by the Tohono O'odham Police Department; and

WHEREAS, as a result of that investigation, Tribal Police officers arrested and placed in detention an O'odham individual; and

WHEREAS, the alleged victim is a non-member Indian; and

WHEREAS, the Pinal County Sheriff's Office also investigated the incident and has requested Tribal Police authorities to release the suspect to them; and

WHEREAS, State and County law enforcement authorities have no legal jurisdiction to arrest and/or prosecute O'odham individuals accused of criminal acts on Tribal lands; and

WHEREAS, protection of the Nation's civil and criminal jurisdiction is essential to preserve the Nation's sovereignty and right of self-government.

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2 NOW, THEREFORE, BE IT RESOLVED that on behalf of the Tohono O'odham

3 Nation, the Legislative Council hereby reaffirms and asserts:

4 (1) the Nation's civil and criminal jurisdiction over the lands of the
5 San Lucy Farm and activities thereon,

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7 (2) the Nation's criminal jurisdiction over the subject incident, and

8 (3) the complete absence of State or County jurisdiction over the
9 subject incident.
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11 The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on
12 the 10th. day of OCT., 1991 at a meeting at which a quorum was present with
13 a vote of 1,495.5 FOR; -0- AGAINST; 62.5 NOT VOTING; and 166.0 [7] ABSENT,
14 pursuant to the powers vested in the Council by Section 1 () of Article VI of the
15 Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation
16 on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian
17 Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18,
18 1934 (48 Stat. 984).

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21 TOHONO O'ODHAM LEGISLATIVE COUNCIL

22 
23 Mary Ann Antone, Legislative Chairwoman

24 11th day of October, 1991

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26 ATTEST:

27 Teresa M. Choyguha for:
28 Teresa M. Choyguha, Legislative Secretary

11th day of October, 1991.

26 Said Resolution was submitted for approval to the office of the Chairman of the
27 Tohono O'Odham Nation on the 11th day of October, 1991, at
9:15 o'clock, 1 M., pursuant to the provisions of Section 5 of Article VII
28 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.

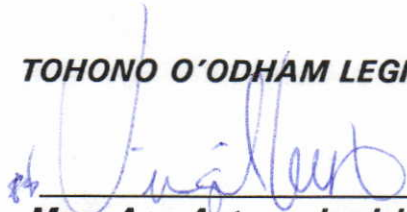
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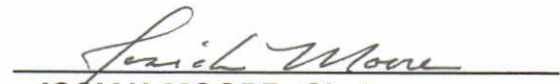
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Mary Ann Antone, Legislative Chairwoman

APPROVED on the 11th day of October, 1991

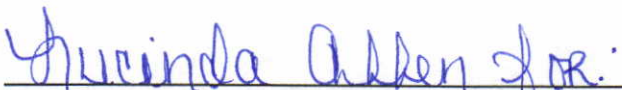
DISAPPROVED) at 3:00 o'clock, P.M.



JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11th day of October

1991, at 3:25 o'clock, P.M.



Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILMAN JOHN RENOSUBJECT: REAFFIRMING CIVIL AND CRIMINAL JURISDICTIONSECOND: COUNCILMAN ALBERT MANUEL, JR.OVER SAN LUCY FARMDATE: OCTOBER 10, 1991

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico Sr.)	114.5	X			
	2. Frances Miguel ()	114.5	X			X
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			
	2. Alberta M. Lopez (Berdella Jose)	81.5	X			
GU ACHI 166.0	1. Alex Ramon (Fernando Joaquin)	83.0				X
	2. Willard Anita ()	83.0				X
GU VO 114.0	1. Virgil Lewis (Michael Flores)	57.0	X			X
	2. Emilio Lewis (Anthony Flores)	57.0	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5			X	
	2. Manuel Osequeda Jr. ()	62.5	X			
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			
	2. Chester Antone (Fernando Valentine)	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. Joanne C. Preston (Carmelita Mattias)	63.5	X			
	2. Eugene Enis, Sr. (Michael R. Rios)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5	X			X
	2. Frances Francisco (Joseph Juan)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			X
	2. Andrew Patricio (Lucille Encinas)	155.0	X			
SIF Oidak 158.0	1. Mary Ann Antone (Nina Jose)	79.0	X			X
	2. Willard Juan, Sr. (Delbert Thomas)	79.0	X			
TOTAL		1,724.0	1,495.5	-0-	62.5	166.0 [7]

**PASSED VOTES