

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(NCAI Support of Statement on Eligibility)**

RES. NO. 92-412

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3 **WHEREAS,** *eligibility to receive services provided by the federal, state, and*
4 *county governments has been a long standing issue for all*
5 *Indians. Members of the Tohono O'odham Nation, full blooded*
6 *O'odham, have had services denied them because the regulations*
7 *made them ineligible; and*

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9 **WHEREAS,** *eligibility for health services has always been based on*
10 *membership to a tribe. The debate and discussion surrounding*
11 *this issue stems from the objective view of some tribes that some*
12 *Indians are not Indians simply because of the blood quantum*
13 *which they possess, usually when the blood quantum is less than*
14 *one-quarter; and*

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17 **WHEREAS,** *the Tohono O'odham Nation has a one-half blood quantum*
18 *requirement for membership or if they are direct descendants of*
19 *O'odham on the original rolls; and*

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21 **WHEREAS,** *other tribes have similar requirements for membership and still*
22 *others base their requirement for membership on descendance and*
23 *no blood quantum requirement; and*

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25 **WHEREAS,** *sovereignty of tribes is important to maintain and reinforce. The*
26 *relationship of Indian Tribes with the federal and state*
27 *governments is that of government-to-government. Tribes as*
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sovereign nations determine its members and have other rights by virtue of their status as a sovereign nations. If a tribe wishes to set its criteria for membership at 100% blood quantum, 50%, 25% or on descendance; then it's their choice, their determination; and

WHEREAS, *in the allocation of funds for the benefit of Indians because of their status as Indians, the federal government must use population and other factors to determine the level of allocation for each area, service unit and, indirectly, for each tribe; and*

WHEREAS, *notwithstanding the fact that tribes have determined their members, by some criteria, we propose that for resource distribution that it be based on an "equitable/equality" formula. A distribution of resources that is not only equitable but equal. With the equality factor to be based on blood quantum. A blood quantum of one-quarter Indian blood; and*

WHEREAS, *equal distribution of funds to Indians would be determined by defining an Indian as one with one-quarter blood quantum. Based on the rolls of the tribe, those Indians with less than one-quarter blood quantum would be grouped to equal one-quarter, equalling one Indian. Thus if there are two Indians at one-eighth blood quantum, these two put together would equal one Indian;*

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for resource distribution purposes. Therefore, the funds would be distributed to Indians of at least one-quarter blood quantum; and

WHEREAS, *this proposal does not affect the sovereign right of a tribe to determine its members, it only addresses the distribution of funds to Indians. And that Indians, in this case would be defined as Indians of one-quarter blood quantum. With limited resources, this proposal defines who the dollars are serving, the beneficiaries; and*

WHEREAS, *there will continue to be a need to address the people who have traditionally fallen into the local definition and acceptance of an individual as an Indian. One who has adopted to the way of life and language of the tribe but may have little Indian blood quantum to be classified as an eligible person based on the proposed formula. But hopefully, they would be served by the local tribe and service unit based on the heritage he possesses; and*

WHEREAS, *critics, both Indian and non-Indian, seek a resolution to this problem. There is no easy answer to this question. The goal of our proposal is simply suggest a possible solution to the problem. An attempt to define a group of beneficiaries that justifies the existence of agencies who serve the Indians; Indian Health Service*

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3 *and the Bureau of Indian Affairs; and*

4 **WHEREAS**, *in years to come the Indian may disappear because of*
5 *miscegenation, but the programs established to serve the Indians*
6 *will also disappear. Other factors such as a national health*
7 *insurance plan may solve this problem for us, in the mean time,*
8 *we need to address and come to some consensus of an equitable*
9 *but equal distribution of funds.*

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12 **NOW, THEREFORE, BE IT RESOLVED** *that the Tohono O'odham Nation*
13 *submits the "equitable but equal" formula as a possible solution*
14 *to address the distribution of health funds to Indian beneficiaries.*

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16 **BE IT FURTHER RESOLVED** *that the Tohono O'odham Nation requests the*
17 *support of all Indian Nations at the 49th Annual Convention of*
18 *the National Congress of American Indians on the "equitable but*
19 *equal" formula.*

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22 *The foregoing Resolution was passed by the Tohono O'Odham Legislative*
23 *Council on the 29TH day of September, 1992 at a meeting at which a quorum*
24 *was present with a vote of 1,610.0 FOR; -0- AGAINST; -0- NOT VOTING;*
25 *and 114.0 [08] ABSENT, pursuant to the powers vested in the Council by*
26 *Section 1(c)(2) of Article VI of the Constitution of the Tohono O'Odham Nation,*
27 *adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by*
28 *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

Joanne C. Preston
for Mary Ann Antone, Legislative Chairwoman
30th day of September, 1992

ATTEST:

Guacinda Allen for:
Teresa M. Choyguha, Legislative Secretary
30th day of September, 1992.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 30th day of September, 1992, at 3:49 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

Joanne C. Preston
for Mary Ann Antone, Legislative Chairwoman

APPROVED on the 1st day of October, 1992

DISAPPROVED) at 2:55 o'clock, P.M.

Josiah Moore
JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 1st day of October,
1992, at 3:54 o'clock, P.M.

Guacinda Allen for:
Teresa M. Choyguha, Legislative Secretary

POWER STAR BOARD

SOUTHWORTH CO. U.S.A.

MOVED: COUNCILMAN ALEX RAMON SUBJECT: NCAI SUPPORT OF STATEMENT OF ELIGIBILITY
 SECOND: COUNCILWOMAN FRANCES MIGUEL
 DATE: SEPTEMBER 29, 1992

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			X
	2. Alberta M. Lopez (Berdella Jose)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			X
	2. Manuel Osequeda, Jr. ()	62.5	X			
GU VO 114.0	1. Michael Flores	57.0				X
	2. Emilio Lewis (Anthony Flores)	57.0				X
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	2. John Reno ()	53.0	X			X
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			
	2. Chester Antone (Fernando Valentine)	59.5	X			
GU ACHI 166.0	1. Alex Ramon (Fernando Joaquin)	83.0	X			
	2. Willard Anita ()	83.0	X			X
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
	2. Frances Miguel ()	114.5	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			
	2. Frances Francisco (Joseph Juan)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Lucille Encinas)	155.0	X			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	1,610.0	-0-	-0-	114.0 [08]

**PASSED VOTES