

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing Senate Bill 2230 Amending the
Indian Gaming Regulatory Act [IGRA])**

RESOLUTION NO. 94-284

WHEREAS, the Tohono O'odham Legislative Council recognizes that gaming activities will provide an important economic resource for the Tohono O'odham Nation for the foreseeable future and, therefore, gaming is a vital interest of the Nation.

WHEREAS, United States Senator Daniel K. Inouye and United States Senator John McCain have introduced S.2230, an act to amend the Indian Gaming Regulatory Act and,

WHEREAS, the Committee on Indian Affairs of the United States Senate has scheduled hearings on S.2230, to be held on July 19 and July 25, 1994 in Washington D.C.; and

WHEREAS, the Tohono O'odham Nation is unified in its strong opposition to S.2230, which, if enacted into law, would adversely impact the Nation's vital interests.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Nation expresses its firm and unequivocal policy that S.2230, poses such a serious threat to the Indian Gaming industry, that S.2230 should be completely rejected because;

a. S.2230 will give the National Indian Gaming Commission ("NIGC") new and expanded powers

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which interfere with the right of the Nation, through the Gaming Office, to exercise powers of self government over the gaming activities of the Nation, under the Tohono O'odham Gaming Ordinance and the Tribal State Compact;

b. S.2230 will allow the uncontrolled growth of the NIGC, which will be funded with tribal revenue, but which will not be accountable to tribal governments;

c. S.2230 does not effectively accomplish its stated goal to establish minimum federal standards for Indian gaming, but instead gives unfettered discretion to the NIGC to create and enforce federal standards over the Nation's gaming activities, without granting the Nation an enforceable right to participate in the development or implementation of the federal standards;

d. S.2230 would end the current Indian majority on the Commission by packing the NIGC with two additional Commissioners, without increasing the

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number of commissioners who must be enrolled tribal members;

e. S.2230 would reverse the rights of Indian Tribes under current law, as expressed in California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987), by granting States further rights to limit Indian gaming opportunities, even if a State's public policy is to rely on Class III gaming to fund its own government services;

f. S.2230 does not completely solve the problems caused for tribes under the IGRA, as a result of States asserting technical defenses under the 10th and 11th Amendments which frustrate the Congressional purpose of the IGRA which was to resolve tribal-state disputes through compact negotiations; and

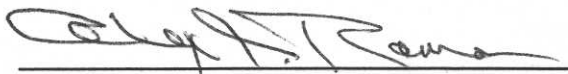
g. S.2230 will not achieve its stated goal to reduce litigation, either over the process of compact negotiations or over disagreements about the scope of permitted gaming;

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3 **2. The Nation urges the sponsors of S.2230, Senators**
4 **Inouye and McCain, to withdraw S.2230 because it is**
5 **seriously flawed;**
6
7 **3. The Nation requests that the hearings before the**
8 **Senate Indian Affairs Committee scheduled for July**
9 **19 and July 25, 1994 be delayed to allow for a more**
10 **deliberate analysis of the impact of S.2230; and**
11
12 **4. The Chairman of the Nation shall request the**
13 **Committee on Indian Affairs to allow a**
14 **representative of the Nation to testify at the July**
15 **25,1994 hearing on S.2230, if the hearing is not**
16 **postponed.**
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19 **The foregoing Resolution was passed by the Tohono O'Odham**
20 **Legislative Council on the 14TH day of JULY, 1994 at a meeting at**
21 **which a quorum was present with a vote of 1,763.0 FOR; -0-**
22 **AGAINST; -0- NOT VOTING; and 04 ABSENT, pursuant to the powers**
23 **vested in the Council by Section 1(j) of Article VI of the Constitution**
24 **of the Tohono O'Odham Nation, adopted by the Tohono O'Odham**
25 **Nation on January 18, 1986; and approved by the Acting Deputy**
26 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,**
27 **pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Alex J. Ramon, Legislative Chairman
15th day of July, 1994

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ATTEST:

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary

15th day of July, 1994.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15th day of July, 1994 at 5:30 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

Alex J. Ramon

Alex J. Ramon, Legislative Chairman

APPROVED

on the 18 day of July, 1994

DISAPPROVED

at 10:30 o'clock, A.M.

Sylvester Listo

SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19th day of

July, 1994, at 8:59 o'clock, A.M.

Guacinda Allen for:

Teresa M. Choyguha, Legislative Secretary

ACTION: OPPOSING SENATE BILL 2230 AMENDING THE INDIAN GAMING REGULATORY ACT (IGRA)

MOVED: COUNCILMAN EUGENE ENIS

SECOND: COUNCILMAN WILLARD ANITA

DATE: JULY 14, 1994

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0	X			X
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5	X			
	2. KENNETH J. ANTONE ()	56.5	X			
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ()	67.5	X			
	2. DENNIS RAMON ()	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			X
	2. EARL A. FRANCISCO ()	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ()	49.0	X			
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0	X			
GU VO 124.0	1. EMILIO LEWIS ()	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			X
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0	X			
	2. LLOYD FRANCISCO ()	68.0	X			
CHUKUT KUK 178.0	1. (VACANT)	89.0	X			X
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,763.0	-0-	-0-	04

**PASSED VOTES