

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing the provisions of S.487 as presently reported and supporting the
restoration of the original provisions of S.487)**

RESOLUTION NO. 95-411

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; and

WHEREAS, the Nation has followed closely the developments for amending the Indian Gaming Regulatory Act ("IGRA"), because such amendments could dramatically affect the Nation's interests; and

WHEREAS, a declared Congressional policy in enacting IGRA is the establishment of a Statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments; and

WHEREAS, the Nation has consistently opposed any amendments which do not fulfill that policy and protect the Nation's interests; and

WHEREAS, by Resolution No. 94-284 the Tohono O'odham Legislative Council opposed S.2230, because if enacted, S.2230 would pose a serious threat to the Indian gaming industry; and

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WHEREAS, subsequent thereto, an amendment in the nature of a substitute for S.2230 was introduced but not reported out of the Senate Committee on Indian Affairs (the "Committee"), despite favorable reception by the Nation (Res. No. 94-350) and the NIGA/NCAI Task Force; and

WHEREAS, in the 104th Congress, the Committee introduced S.487 as an amendment to the IGRA; and

WHEREAS, by Resolution No. 95-147, the Nation authorized the Commerce Committee to continue discussions with the NIGA/NCAI Task Force for reasonable amendments to IGRA which protect tribal interests, which discussions resulted in the NIGA/NCAI Task Force Resolution No. SW95-01 generally supporting S.487 but reserving the right to oppose S.487 if amended in a way that further erodes tribal sovereignty and the rights recognized by the 1987 Cabazon decision of the U.S. Supreme Court; and

WHEREAS, on August 9, 1995, the Committee marked up and favorably

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reported an amendment in the nature of a substitute to S.487 (hereinafter referred to as "Substitute S.487"), amending IGRA: and

WHEREAS, Substitute S.487 is opposed by the NIGA/NCAI Task Force because it does not meet the following basic principles; (1) the continuous protection of tribal sovereignty; (2) the need for a solution to the tribal-state compacting process and state defenses under the 10th and 11th amendments; and (3) the maintenance of the Cabazon Public Policy Test; and

WHEREAS, the Legislative Council believes it is in the Nation's interest to continue its participation in the legislative process concerning amendments to the IGRA.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Tohono O'odham Nation supports efforts to protect Indian Gaming as a viable source of governmental revenue.
2. The Tohono O'odham Nation supports the efforts of Senator John McCain, Chairman of the Senate Committee on Indian Affairs, and Senator Daniel Inouye, Vice-Chairman of the Senate Committee on Indian Affairs, for their efforts to preserve the Congressional policy announced in IGRA.

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3. The Tohono O'odham Nation opposes Substitute Senate Bill 487 as presently reported.

4. The Tohono O'odham Nation supports the restoration of the original provisions of S.487.

The foregoing Resolution was passed by the Tohono O'Odham Council on the 30TH. day of AUGUST, 1995 at a meeting at which a quorum was present with a vote of 1,771.0 FOR; -0- AGAINST; -0- NOT VOTING; and 105.0 [06] 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



Dennis Ramon, Legislative Chairman

31 day of August, 1995

ATTEST:



Frances Antone, Legislative Secretary

31st day of August, 1995

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 31st day of August, 1995 at 2:28 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


Dennis Ramon, Legislative Chairman

APPROVED
 DISAPPROVED

on the 1st day of September, 1995
at 3:22 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 1st day of September, 1995, at 3:51 o'clock, P.M.


Frances Antone, Legislative Secretary

ACTION: OPPOSING THE PROVISION OF S.487 AS PRESENTLY REPORTED AND SUPPORTING THE RESTORATION OF THE ORIGINAL PROVISIONS OF S.487

Moved: COUNCILMAN KENNETH WILLIAMS

SECOND: CHAIRWOMAN FERN SALCIDO

DATE: AUGUST 30, 1995

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0	X			
	2. RITA MARTINEZ (Maxine Norris)	80.0	X			
SELLS 314.0	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0	X			X
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0	X			
SCHUK TOAK 117.0	1. KENNETH J. ANTONE ()	58.5	X			
	2. MARY JANE JUAN-MOORE ()	58.5	X			
SAN XAVIER 142.0	1. DENNIS RAMON ()	71.0	X			
	2. TONY BURRELL ()	71.0	X			X
BABOQUIVARI 257.0	1. EDWARD KISTO (Idella Stanley)	128.5	X			
	2. FRANCES MIGUEL (Kenneth Chico, Sr.)	128.5	X			X
GU ACHI 187.0	1. ALEX J. RAMON (Marian Johnson)	93.5	X			
	2. WILLARD ANITA (Louis Johnson)	93.5	X			X
PISINEMO 135.0	1. JOHNSON JOSE (Roseleen Antone)	67.5	X			
	2. BARBARA SALVICIO ()	67.5	X			
SAN LUCY 105.0	1. ALBERT MANUEL, JR. ()	52.5				X
	2. JOHN RENO (Mary Hoffman)	52.5				X
GU VO 134.0	1. MICHAEL FLORES ()	67.0	X			
	2. FERN SALCIDO (Larry Montana)	67.0	X			
HICKIWAN 142.0	1. LLOYD FRANCISCO ()	71.0	X			
	2. ALEX JOSE ()	71.0	X			
CHUKUT KUK 183.0	1. KENNETH WILLIAMS ()	91.5	X			
	2. DAVID GARCIA (Marvin Thomas)	91.5	X			
TOTAL		1,876.0	1,771.0	-0-	-0-	105.0 [06]