

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Revocation of Membership of Rachel Lopez from the Tohono O'odham Nation)**

RESOLUTION NO. 12-337

1 **WHEREAS, the Constitution of the Tohono O'odham Nation establishes criteria for membership**
2 **in the Nation and vests the Tohono O'odham Legislative Council with the power to**
3 **enact laws "governing the enrollment and adoption of members and the**
4 **relinquishment and loss of membership consistent with Article II of this constitution."**
5 **(Constitution, Article II, Section 1 and Article VI, Section 1(h)); and**

6 **WHEREAS, while Article II, Section 1(b) of the Constitution makes "children born to resident**
7 **members" eligible for membership, "Non-Indian children and children of Indian**
8 **blood of other tribes adopted by members of the Papago Tribe are not eligible for**
9 **enrollment." (Enrollment Manual, Processing Application – Membership Record, 5.**
10 **Eligibility of Adopted Children for Enrollment, as adopted by Resolution No. 137-81);**
11 **and**

12 **WHEREAS, the Enrollment Committee has determined that Rachel Lopez, Enrollment No. 3262-**
13 **CK-05, was invalidly enrolled as the child born to resident member Ezekiel J. Lopez,**
14 **that Rachel Lopez actually was legally adopted by Ezekiel J. Lopez, that her biological**
15 **parents are non-Indians, and that the submission of correct and complete**
16 **information during the membership application process would have resulted in**
17 **ineligibility for membership under Article II, Section 1(b) of the Constitution; and**

18 **WHEREAS, Article IX, Section 2(B) of the Tohono O'odham Enrollment Ordinance, 14 T.O.C.**
19 **Chapter 1, provides in part:**

20 **Membership in the Nation and all rights deriving therefrom shall be lost if**
21 **enrollment is based upon information which was mistaken, fraudulent,**
22 **deceitful, deceptive, misrepresented or falsified. Membership shall also be lost**
23 **if information is omitted that would have resulted in ineligibility for**
24 **membership.**

25 **WHEREAS, in accordance with Article IX, subsection 2(B) and 2(C) of the Enrollment Ordinance,**
26 **the Enrollment Committee provided Rachel Lopez with written notice of its**
27 **determination and recommendation to the Council, provided the opportunity to**
28 **relinquish membership, and provided notice of the Legislative Council's August 27,**
29 **2012 revocation hearing; and**

30 **WHEREAS, Rachel Lopez has not relinquished her membership; and**

RESOLUTION NO. 12-337

(Revocation of Membership of Rachel Lopez from the Tohono O'odham Nation)

Page 2 of 3

1 **WHEREAS, in addition to receiving written notice of the revocation hearing, Rachel Lopez was**
2 **provided with the Enrollment Committee's disclosure packet, which includes the**
3 **Committee's witness list, written explanation of the basis for the Committee's**
4 **revocation recommendation, and copies of relevant notices and other documents; and**

5 **WHEREAS, Rachel Lopez also was provided the opportunity to present evidence, to appear at the**
6 **revocation hearing, to be represented by legal counsel at her own expense, to call and**
7 **question witnesses, to testify, and to give an opening statement and closing argument**
8 **and otherwise to respond to the revocation; and**

9 **WHEREAS, the Legislative Council has reviewed the Committee's recommendation and**
10 **considered the presentations and evidence presented at the enrollment revocation**
11 **hearing.**

12 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that, based up on**
13 **the evidence presented, it determines**

14 **(1) that the membership of Rachel Lopez is based upon information which was**
15 **mistaken, fraudulent, deceitful, deceptive, misrepresented, falsified, or omitted, and**
16 **the submission of correct and complete information during the membership**
17 **application process would have resulted in ineligibility for membership; and**

18 **(2) that the membership of Rachel Lopez, Enrollment No. 3262-CK-05, is revoked and**
19 **lost.**

20 **BE IT FURTHER RESOLVED that the Legislative Council secretary shall serve notice of the Council's**
21 **determination in accordance with Article IX, Section 2(D) of the Enrollment**
22 **Ordinance.**

23 **BE IT FINALLY RESOLVED that upon completion of an unsuccessful appeal from this determination**
24 **or upon expiration of the time allowed for such an appeal as provided in Article IX,**
25 **Section 2(E) of the Enrollment Ordinance, Rachel Lopez, Enrollment No. 3262-CK-05,**
26 **shall be removed from the membership roll of the Tohono O'odham Nation.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 27TH Day**
28 **of AUGUST, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-**
29 **AGAINST; [02] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
30 **Section 1 of Article II and Section 1 (h) & (l) of Article VI of the Constitution of the Tohono O'odham**
31 **Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting**
32 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16**
33 **of the Act of June 18, 1934 (48 Stat. 984).**

34
35
36
37

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

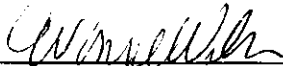
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

27 day of August, 2012

ATTEST:



Evonne Wilson, Legislative Secretary

27 day of August, 2012

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 27 day of August, 2012 at 4:45 o'clock, P.M., pursuant to the provisions of Section 4 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



Timothy Joaquin, Legislative Chairman

APPROVED

on the 29 day of August, 2012

DISAPPROVED

at 2:00 o'clock, P.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 29 day of August, 2012, at 3:32 o'clock, P.M.



Evonne Wilson, Legislative Secretary

ACTION: REVOCATION OF MEMBERSHIP OF RACHEL LOPEZ FROM THE TOHONO O'ODHAM NATION**DATE: AUGUST 27, 2012**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ()	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta)(<i>Present</i>)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X		X	
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (<i>Absent</i>) (Eugene Enis)(<i>Present</i>)	107.90	X		X	
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	[02]	[01]