

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Written Testimony Regarding the Senate Committee on Indian Affairs' November
20, 2013 Oversight Hearing on "Carciere: Bringing Certainty to Trust Land Acquisitions")

RESOLUTION NO. 13-481

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "consult**
2 **with the Congress of the United States and appropriate federal agencies**
3 **regarding federal activities that affect the Tohono O'odham Nation"**
4 **(Constitution of the Tohono O'odham Nation, Article VI, Section 1 (j)); and**

5 **WHEREAS, the Supreme Court held in *Carciere v. Salazar*, that the Secretary of the Interior**
6 **lacks authority to take land into trust under the Indian Reorganization Act for**
7 **Indian tribes that were not under Federal jurisdiction at the time of its passage**
8 **in 1934; and**

9 **WHEREAS, the *Carciere* decision interferes with trust land acquisitions for Indian tribes**
10 **who, arguably, were not under Federal jurisdiction in 1934 and may give rise to**
11 **Federal court challenges to the Indian trust lands of such Indian tribes and so**
12 **threaten Indian lands; and**

13 **WHEREAS, on November 20, 2013, the Senate Committee on Indian Affairs held an oversight**
14 **hearing regarding potentially fixing the damage wrought by the Supreme**
15 **Court's decision in *Carciere*; and**

16 **WHEREAS, the Nation wishes to submit written testimony to support the concept of a**
17 **legislative fix to the *Carciere* decision and to clarify misstatements made during**
18 **the course of the hearing; and**

19 **WHEREAS, the Commerce Committee has reviewed and recommends that the Legislative**
20 **Council approve the Nation's written testimony regarding the "Senate**
21 **Committee on Indian Affairs' Oversight Hearing on 'Carciere: Bringing Certainty**
22 **To Trust Land Acquisitions'" as dated December 5, 2013, which is attached and is**
23 **incorporated by reference.**

24 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council adopts the**
25 **Tohono O'odham Nation's written testimony regarding the "Senate Committee**
26 **on Indian Affairs' Oversight Hearing on 'Carciere: Bringing Certainty To Trust**
27 **Land Acquisitions'" in substantially the form attached hereto and authorizes the**
28 **Nation's Chairperson to submit the written testimony.**

29 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH**
30 **day of DECEMBER, 2013 at a meeting at which a quorum was present with a vote of 2,946.50**
31 **FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the**
32 **Council by Article VI, Section 1(j) of the Constitution of the Tohono O'odham Nation, adopted**
33 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
34 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of**
35 **the Act of June 18, 1934 (48 Stat.984).**
36

RESOLUTION NO. 13-481

(Approving Written Testimony Regarding the Senate Committee on Indian Affairs' November 20, 2013 Oversight Hearing on "Carlier: Bringing Certainty to Trust Land Acquisitions")

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Timothy Joaquin, Legislative Chairman

5 day of December, 2013

ATTEST:


Evonne Wilson, Legislative Secretary

05 day of December, 2013

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 5 day of December, 2013 at 2:35 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


Timothy Joaquin, Legislative Chairman

APPROVED

on the 05 day of December, 2013

DISAPPROVED

at 3:02 o'clock, P.m.


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

Returned to the Legislative Secretary on the 05 day of
December, 2013, at 3:54 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING WRITTEN TESTIMONY REGARDING THE SENATE COMMITTEE ON INDIAN AFFAIRS' NOVEMBER 20, 2013 OVERSIGHT HEARING ON "CARCIERE: BRINGING CERTAINTY TO TRUST LAND ACQUISITIONS"

MOVED: COUNCILWOMAN ETHEL GARCIA

SECOND: COUNCILWOMAN FRANCES B. STEPHENS

DATE: DECEMBER 05, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Kimberly Mull)	251.0	X			
	2. BARBARA HAVIER ()	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS <i>(Absent)</i> (Daniel L.A. Preston, III) <i>(Present)</i>	112.1	X			
	2. ADAM ANDREWS (Rachael Wilson-Stoner)	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ (Michelle Ortega)	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
HIA CED 19.6	1. LORRAINE EILER <i>(Absent)</i> (Jolene Garcia) <i>(Present)</i>	9.8	X			
	2. MICHAEL FLORES ()	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			X
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL <i>(Absent)</i> (Roberta Harvey) <i>(Present)</i>	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,946.5	2,946.5	-0-	-0-	[01]