

RESOLUTION  
OF THE  
PAPAGO COUNCIL

RES. No. 1172

WHEREAS, Pursuant to Article V, Section 2 (b) of the Constitution of the Papago Tribe, the Tribe acting through its Council, has the authority to employ legal counsel, the choice of counsel and the fixing of fees being subject to the approval of the Secretary of the Interior, and

WHEREAS, Experience has shown that the Papago Tribal Council and the Chairman have need to consult an attorney regularly to obtain legal guidance in the transaction of various business affairs, and they also need legal assistance in asserting and protecting the legal rights of the Papago Tribe, and

WHEREAS, In its budget Resolution 1173, passed by the Council on June 2, 1961, the Tribal Council appropriated \$3,000 for the 1962 fiscal year to pay a Tribal attorney as needed on a time and expense basis, and this budget appropriation is available to be used for this purpose, and

WHEREAS, John H. Denton, whose contract as Tribal attorney expires June 30, 1961, has recently moved to California, and

WHEREAS, It is important that another tribal attorney be secured as soon as possible to replace Mr. Denton, and

WHEREAS, Mr. M. Morton Freilich, 215 N. Court Avenue, Tucson, Who is a member of the Pima County Bar Association and the Arizona State Bar, appeared before the Council June 2, and discussed the possibility of becoming tribal attorney on a consulting basis, and

WHEREAS, Mr. Freilich is a practising attorney in Tucson and is presently in partnership with Mr. John Denton, and is familiar with some of the important Papago problems Mr. Denton has been working on, such as the Gila Bend Village relocation, land condemnation, and mining, and

WHEREAS, Mr. Freilich's partnership with Mr. Denton is being maintained, and although Mr. Denton will be living in California, he will be returning to Tucson from time to time to discuss cases being handled by the partnership, so he will be still available for consultation about Papago problems, which the Council feels would be of advantage to the Tribe, and

WHEREAS, Mr. Freilich is aware of the Tribe's present poor financial position and is willing to accept a fee of \$15.00 per hour, slightly higher than the rate of \$12.50 which Mr. Denton received from the Tribe, but much less than the fees normally charged, and

WHEREAS, The Council feels that Mr. Freilich will devote the time and energy needed to assist the Tribe in legal matters, that his association with Mr. Denton will help him in this connection, and the Council believes he is qualified for the position.

THEREFORE, LET IT BE RESOLVED THAT THE Papago Tribal Council hereby engages the legal services of Mr. M. Morton Freilich as general counsel to perform the following services:

*Freilich, M. Morton (Attorney)*

- A. Advise the Papago Tribal Council and the Papago Tribal Chairman on all matters referred to him either by the Tribal Council or the Tribal Chairman.
- B. Take such legal action as the Tribal Council shall specifically direct; and

LET IT FURTHER BE RESOLVED That, within the limitations of the \$3,000 appropriated in the 1962 Tribal Budget for attorney's fees and expenses, the said attorney to be compensated by the Papago Tribal Council as follows:

- a. The said attorney shall be paid the sum of \$15.00 per hour for each hour which it is necessary for him to spend in the performance of duties assigned to him by the Tribal Chairman pursuant to this Resolution.

- b. The said attorney shall be reimbursed for actual and necessary expenses incurred in carrying out this contract; however, these shall not include clerical and stenographic services, except those necessarily incurred for the tribe while the attorney is in a travel status, and neither shall general office expenses be included.

- c. Payment of compensation and reimbursement of expenses shall be made only upon the submission of proper vouchers with detailed records showing the services performed, and must be approved by the Tribe and the Secretary of the Interior or his authorized representative, these vouchers to be presented on a date specified in the attorney contract and not less than quarterly thereafter, showing services performed during the previous quarter, and any payment shall be contingent upon the availability of funds either in the tribal treasury or from an appropriation by Congress of funds to the credit of the Tribe in the Treasury of the United States.

- d. The limitation of \$3,000 for payment of compensation and reimbursement for expenses for the 1962 fiscal year shall not be exceeded unless an additional amount is authorized in advance by the Tribe and approved by the Secretary of the Interior or his authorized representative.

LET IT FURTHER BE RESOLVED that a contract containing these provisions be prepared for the signature of Mr. Freilich and authorized Papago Tribal Officials, the contract being subject to termination by the tribe or the attorney on 60 days written notice to the other party; provided the Secretary of the Interior or his authorized representative and the Area Director and the Commissioner of Indian Affairs are furnished a copy of such notice, and

LET IT FURTHER BE RESOLVED THAT The terms of employment of said attorney shall be from the date his appointment is approved by the Secretary, until June 30, 1962, the end of the fiscal year, and

FINALLY LET IT BE RESOLVED THAT the Chairman and Secretary of the Papago Tribal Council are authorized to execute the attorney contract which will be drawn up, for and on behalf of the Papago Tribe.

The foregoing Resolution was duly enacted by the Papago Council on June 2, 1961, with a vote of 21 for and 0 against, during a meeting at which a quorum was present, pursuant to authority vested in the Council by Section 2 (b) Article V of the Constitution of the Papago Tribe, ratified by the Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the act of June 18, 1934, (Stat. 984). Said Resolution is

effective as of the date of its approval by the Superintendent of the Papago Agency and is subject to the rescission by the Secretary of the Interior, pursuant to Section 6 of Article V of the Constitution and By-Laws of the Papago Tribe.

THE PAPAGO COUNCIL

BY: Enos J. Francisco  
Enos J. Francisco, Chairman

Claudina R. Chavez  
Claudina R. Chavez, Secretary

Harry W. Gilmore, Superintendent

APPROVED