

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving amicus curiae brief)

RES. NO. 121-87


1 WHEREAS, the Gila River Indian Community has filed a Petition for a Writ of  
2 Certiorari to review the decision of the Arizona Supreme Court in  
3 Central Machinery v. State of Arizona, 703 P.2d 843 (Sup. Ct. Ariz.  
4 1986) overruling decisions of both the Superior Court and Court of  
5 Appeals to award attorney's fees based on 42 U.S.C. SS1983 and 1988  
6 and on the Community's successful litigation in Central Machinery Co.  
7 v. State of Arizona, 448 U.S. 160 (1980) wherein the court held that  
8 the Indian Trader Statues, 25 U.S.C. SS26 and 264, preempted the im-  
9 position of a state transaction privileges tax on sales by non-Indians  
10 to Indians; and

12 WHEREAS, this council is advised that the Native American Rights Fund is pre-  
13 paring to submit an amicus curiae brief in support of the Community's  
14 Petition and believes it to be to the benefit of the Tohono O'Odham  
15 Nation to join in such brief.

17 NOW, THEREFORE, BE IT RESOLVED that the Chairman, attorneys or other appropri-  
18 ate officers of this Nation are authorized and directed to execute  
19 a written authorization authorizing the Native American Rights Fund to  
20 file an amicus brief on behalf of the Tohono O'Odham Nation in support  
21 of the Petition for a Writ of Certiorari filed by Central Machinery  
22 Company and the Gila River Indian Community urging the United States  
23 Supreme Court to review the decision of the Supreme Court of Arizona  
24 denying an award of attorney's fees.

26 The foregoing resolution was passed by the Tohono O'odham Council on the 6th  
27 day of April, 1987, at a meeting at which a quorum was present with a vote of  
28 1581.5 for; 58.5 against; -0- not voting; and -0- absent, pursuant to the  
29 powers vested in the Council by Section 1 (f) of Article VI of the Constitu-  
30 tion of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on  
31 January 18, 1986, and approved by the Acting Deputy Assistant Secretary -  
32 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

  
Harriet Toro, Legislative Chairperson  
16<sup>th</sup> day of April, 1987.

1 ATTEST:

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Yucinda Allen  
Acting Legislative Secretary  
20<sup>th</sup> day of April, 1987.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 20 day of April, 1987, at 11:36 o'clock, A.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

Andrew M. Patucio  
For Harriet Toro, Legislative Chairperson

APPROVED        )        on the 23 day of April, 1987, at  
 DISAPPROVED    )        11:36 o'clock, A.M.

Josiah Moore  
JOSIAH MOORE, Chairman  
TOHONO O'ODHAM NATION

Returned to Legislative Secretary on the 23<sup>rd</sup> day of April, 1987,  
at 1:25 o'clock, P.M.

Yucinda Allen  
Acting Legislative Secretary

MOVED: ROSEMARY LOPEZ

SUBJECT: APPROVING AMICUS CURIAE BRIEF

SECOND: ANGELO JOAQUIN, SR.

DATE: APRIL 6, 1987

RESOLUTION OR ORDINANCE # 121-87

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 138	1. Elliott Lewis ( ) 2. Nicholas Jose (Letitia Garcia)	69.0 69.0	X X			
SELLS 257	1. Andrew M. Patricio (Nora Alveraz) 2. Fred Stevens, Sr. ( )	128.5 128.5	X X			
SCHUK TOAK 105	1. Joseph Juan ( ) 2. Julia Carrillo (JoAnn Francisco)	52.5 52.5	X X			
SAN XAVIER 126	1. Yvonne Corella (Austin Nunez) 2. Tony Felix (Carmelita Mattias)	63.0 63.0	X X			
BABOQUIVARI 241	1. Edward N. Kisto ( ) 2. Kenneth Chico, Sr. (Frances Miguel)	120.5 120.5	X X			
GU ACHI 158	1. Angelo Joaquin, Sr. ( ) 2. Fernando Joaquin ( )	79.0 79.0	X X			
PISINEMO 116	1. Jerome Antone (Consuela Mendoza) 2. Johnson Jose (Edward Manuel)	58.0 58.0	X X			
SAN LUCY 85	1. John Reno ( ) 2. Max P. Jose (Dewey Ortega)	42.5 42.5	X X			
GU VO 117	1. Cross Antone (Fern Salcido) 2. Virgil Lewis (Roy Montana)	58.5 58.5	X	X		
HICKIWAN 128	1. Henry A. Ramon (Pablo Baptisto) 2. Lloyd Francisco (Eleanor Santos)	64.0 64.0	X X			
CHUKUT KUK 169	1. Rosemary Lopez (Anita C. Clark) 2. Harriet Toro (Marvin J. Thomas)	84.5 84.5	X X			
TOTALS		1640.0	1581.5	58.5	-0-	-0-