

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Reinstatement of Robert Goodnight)

RES. NO. 171-89

1 WHEREAS, the Legislative Council has learned of the dismissal of  
2 Robert K. Goodnight, as Chief of the Tohono O'odham  
3 Police Department; and

4 WHEREAS, Chairman, Angelo Joaquin, Sr., gave no reason or cause  
5 for the dismissal in his letter to Chief Goodnight; and

6 WHEREAS, the Chairman's power to appoint and dismiss department  
7 heads stems from the Constitution, subject to its  
8 limitations; and

9 WHEREAS, the Constitution requires the Chairman to obtain the  
10 consent of the Legislative Council of all appointments  
11 made pursuant to Article VII, Section 2 (e); and

12 WHEREAS, the Chairman has not submitted the names of department  
13 heads he has appointed for approval by the Legislative  
14 Council; and

15 WHEREAS, a list of appointments has never been submitted for  
16 approval by the Legislative Council requiring the  
17 Council to enact Resolution No. 322-88 recognizing and  
18 approving the incumbent department heads to continue in  
19 their positions; and

20 WHEREAS, the Chairman is mandated by the Constitution to organize  
21 and manage the Nation's government in accordance with  
22 an Administrative Plan approved by the Legislative  
23 Council; and

24 WHEREAS, in the absence of an Administrative Plan, the powers,  
25 duties and rights of the incumbent department heads are  
26 subject to, and, limited by the authority of existing  
27 policies and rules; and

28 WHEREAS, the dismissal of Chief Goodnight in the absence of cause  
29 or reason is incompatible with the Constitution and the  
30 implied will of the Legislative Council and is a  
31 violation of the fundamental right of due process,  
32 protected by the Constitution.

NOW, THEREFORE, BE IT RESOLVED by the Legislative Council that:

- (1) Robert K. Goodnight is hereby reinstated as Chief of the Tohono O'odham Police Department retroactive to May 8, 1989, with all employment benefits fully restored.

The foregoing Resolution was passed by the Tohono O'odham Council on the 19th. day of May, 1989 at a meeting at which a quorum was present with a vote of 662.0 for; 458.0 against; 403.0 not voting; and 117.0 (7) absent, pursuant to the powers vested in the Council by Section 1 (b)(c)(2)(6) of Article VI and Section 2(e) of Article VII 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

Harriet Toro  
Harriet Toro, Legislative Chairperson  
22<sup>nd</sup> day of May, 1989.

ATTEST:

Teresa M. Choyguha  
Teresa M. Choyguha, Legislative Secretary  
22<sup>nd</sup> day of May, 1989.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 22<sup>nd</sup> day of May, 1989, at 4:35 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

Harriet Toro  
Harriet Toro, Legislative Chairperson

[ ] APPROVED ) on the 24 day of May, 1989,  
[X] DISAPPROVED ) at 3:35 o'clock, P. M.

Angelo J. Joassin, Sr.  
ANGELO J. JOASSIN, SR., Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24<sup>th</sup> day of  
May, 19 89, at 3:57 o'clock, P, M.

Teresa M. Choyguha  
Teresa M. Choyguha  
Legislative Secretary

- 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

MOVED: Joseph Juan

SUBJECT: Reinstatement of

SECOND: Joann Garcia

Robert Goodnight

DATE: May 19, 1989

RESOLUTION #171-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez) 2. Harriet Toro ( )	84.5 84.5	X		X	
HICKIWAN 128.0	1. Lloyd Francisco (Eleanor Santos) 2. Henry Ramon (Billy Manuel)	64.0 64.0			X X	X
GU VO 117.0	1. Cross Antone (Juan Joe Cipriano) 2. Virgil Lewis (Roy Montana)	58.5 58.5				X X
SAN LUCY 85.0	1. John Reno ( ) 2. Max Jose (Dewey Ortega)	42.5 42.5		X X		X
PISINEMO 116.0	1. Edward Manuel (Alex Antone) 2. Johnson Jose ( )	58.0 58.0		X X		X
GU ACHI 158.0	1. Fernando Joaquin ( ) 2. Percy Lopez ( )	79.0 79.0	X X			X
BABOQUIVARI 241.0	1. Joann Garcia (Frances Miguel) 2. Kenneth Chico, Sr. ( )	120.5 120.5	X X			
SAN XAVIER 126.0	1. Tony Felix (Carmelita Mattias) 2. Eugene Enis (Michael Rios)	63.0 63.0	X X			X
SCHUK TOAK 105.0	1. Joseph Juan (Frances Francisco) 2. Julia Carrillo (JoAnn Francisco)	52.5 52.5	X		X	
SELLS 257.0	1. Fred Stevens ( ) 2. Andrew Patricio (Daniel Lopez)	128.5 128.5		X X		
SIF OIDAK 138.0	1. Willard Juan, Sr. (Melissa Gregorio) 2. Nicholas Jose (Letitia Garcia)	69.0 69.0			X X	
TOTAL		1,640.0	662.0	458.0	403.0	(7) 117.0