

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Urging Congress to Recognize the Importance of Tribal Judicial
Systems and help Strengthen and Upgrade Tribal Courts)

RES. NO. 69-89

1 WHEREAS, the U.S. Commission on Civil Rights has conducted
2 investigations into alleged violations of the Indian
3 Civil Rights Act by tribal governments and will soon
4 submit a report to Congress outlining its findings and
5 recommendations; and

6 WHEREAS, the investigations focused on less than five tribal
7 governments in the states of South Dakota and Arizona
8 although more than 144 Indian Tribes operate tribal
9 governments and tribal courts; and

10 WHEREAS, the Commission has refused to allow public access to the
11 findings of its investigation and avoided positive input
12 from Tribes about other tribal government systems; and

13 WHEREAS, the final report will be submitted to Congress soon and
14 it is believed to contain recommendations inferring that
15 all tribal court systems and governments are identical
16 to those systems found to have violated the provisions
17 of the Indian Civil Rights Act; and

18 WHEREAS, tribal courts have historically been marginally funded
19 by Congress resulting in numerous obstacles to their
20 efficiency and independence; and

21 WHEREAS, there have been several studies documenting the needs of
22 tribal justice systems which have not been updated nor
23 considered in any meaningful manner; and

24 WHEREAS, the recommendations contained in these studies continue
25 to be valid and should be considered and implemented.

26 NOW, THEREFORE, BE IT RESOLVED by the Legislative Council of the
27 Tohono O'odham Nation that it does hereby respectfully
28 urge Congress to recognize the importance of tribal
29 judicial systems and help strengthen and upgrade tribal
30 courts and related justice systems by:

- 31 1. Appropriating significant additional funds to enable
32 tribal courts to improve and upgrade delivery of
judicial services; and

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- 2. Enact legislation similar to the State Justice Institute Act of 1984, 42 U.S.C. 10701 et seq. which provides funds for the improvement of State court systems in dispensing justice; and
- 3. Creating, pursuant to this legislation, an organization independent of the Bureau of Indian Affairs to administer and direct the programmatic, financial and administrative requirements of the proposed tribal judicial legislation; and
- 4. Establishing substantive incentives for tribes who ensure the independence and integrity of tribal judicial systems; and
- 5. Establishing a National Commission to consist of tribal judges and attorneys knowledgeable of tribal judicial systems and who represent the various type of tribal courts in operation throughout Indian country.

The foregoing Resolution was passed by the Tohono O'odham Council on the 27th day of February, 1989 at a meeting at which a quorum was present with a vote of 1,640.0 for; -0- against; -0- not voting; and 02 absent, pursuant to the powers vested in the Council by Section 1 (c) (2) & (j) of Article VI 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
1st day of March, 1989.

ATTEST:

Teresa M. Choyguha
 Teresa M. Choyguha, Legislative Secretary
1st day of March, 1989.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 1st day of March, 1989, at 3:24 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

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[] APPROVED) on the 3rd day of March, 19 89,
[] DISAPPROVED) at 9:20 o'clock, A.M.

Enos J. Francisco, Jr.
ENOS J. FRANCISCO, JR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 3rd day of
March, 19 89, at 10:21 o'clock, A.M.

Teresa M. Choygula
Teresa M. Choygula
Legislative Secretary

MOVED: Tony Felix

SUBJECT: Urging Congress to recognize

SECOND: Joseph Juan

Importance of Tribal Judicial Systems

DATE: February 27, 1989

Help Strengthen/Upgrade Tribal Courts

RESOLUTION #69-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez)	84.5	X			X
	2. Harriet Toro ()	84.5	X			
HICKIWAN 128.0	1. Lloyd Francisco (Eleanor Santos)	64.0	X			
	2. Henry Ramon (Billy Manuel)	64.0	X			
GU VO 117.0	1. Cross Antone (Juan Joe Cipriano)	58.5	X			
	2. Virgil Lewis (Roy Montana)	58.5	X			
SAN LUCY 85.0	1. John Reno ()	42.5	X			
	2. Max Jose (Dewey Ortega)	42.5	X			
PISINEMO 116.0	1. Edward Manuel (Alex Antone)	58.0	X			
	2. Johnson Jose ()	58.0	X			
GU ACHI 158.0	1. Fernando Joaquin ()	79.0	X			
	2. Percy Lopez ()	79.0	X			
BABOQUIVARI 241.0	1. Joann Garcia (Frances Miguel)	120.5	X			
	2. Kenneth Chico, Sr. ()	120.5	X			
SAN XAVIER 126.0	1. Tony Felix (Carmelita Mattias)	63.0	X			
	2. Eugene Enis (Michael Rios)	63.0	X			
SCHUK TOAK 105.0	1. Joseph Juan (Frances Francisco)	52.5	X			
	2. Julia Carrillo (JoAnn Francisco)	52.5	X			
SELLS 257.0	1. Fred Stevens ()	128.5	X			
	2. Andrew Patricio (Daniel Lopez)	128.5	X			
SIF OIDAK 138.0	1. Willard Juan, Sr. (Melissa Gregorio)	69.0	X			
	2. Nicholas Jose (Letitia Garcia)	69.0	X			X
TOTAL		1,640.0	1,640.0	-0-	-0-	02