

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Objecting to Assumption of State Jurisdiction Over Cases  
Arising Within the Nation)

RES. NO. 99-89

1 WHEREAS, the Tohono O'odham Nation is organized pursuant to a  
2 Constitution adopted in accordance with section 16 of  
3 The Indian Reorganization Act of 1934, 48, Stat. 984, as  
4 amended, and has sovereign authority over both its  
5 members and its territory; and

6 WHEREAS, the legislative powers of the Tohono O'odham Nation are  
7 vested in the Tohono O'odham Legislative Council; and

8 WHEREAS, the Legislative Council has become aware of a case  
9 entitled, Canyon Construction Co. v. Tohono O'odham  
10 Tribal Housing Authority, Civil No. 88-13562 currently  
11 pending in the courts of the State of Arizona; and

12 WHEREAS, the Superior Court of Arizona in and for Maricopa County  
13 has asserted subject matter jurisdiction over the Canyon  
14 Construction case and consequently over reservation  
15 affairs involving the Tohono O'odham Housing Authority;  
16 and

17 WHEREAS, the Legislative Council considers such an assertion of  
18 jurisdiction by the State of Arizona to be a blatant  
19 infringement upon the sovereign authority of the Tohono  
20 O'odham Nation.

21 NOW, THEREFORE, BE IT RESOLVED, that the Tohono O'odham Nation  
22 hereby takes exception to the assertion of subject  
23 matter jurisdiction by the State Court in Canyon  
24 Construction, and considers the assertion of such  
25 subject matter jurisdiction an infringement upon the  
26 sovereign authority of the Tohono O'odham Judiciary over  
27 reservation disputes.

28 BE IT FURTHER RESOLVED that the Legislative Council hereby  
29 authorizes its General Counsel to assist counsel for the  
30 Tohono O'odham Housing Authority in challenging the  
31 jurisdictional authority of the state courts over the  
32 Canyon Construction case, before the appellate courts of  
Arizona, and if necessary in federal court.

1 BE IT FURTHER RESOLVED, that the Tohono O'odham Nation requests  
 2 the assistance of the United States Government, by and  
 3 through the Department of Housing and Urban Development  
 4 and/or the Department of Justice, in protecting against  
 5 this infringement on the sovereign authority of the  
 6 Tohono O'odham Nation over disputes arising within the  
 7 boundaries of the Nation.

8 The foregoing Resolution was passed by the Tohono O'odham  
 9 Council on the 11th day of April, 1989 at a meeting at which a  
 10 quorum was present with a vote of 1,497.0 for; -0- against;  
 11 58.0 not voting; and 85.0 (03) absent, pursuant to the powers  
 12 vested in the Council by Section 1 (c) and (f) of Article VI of  
 13 the Constitution of the Tohono O'odham Nation, adopted by the  
 14 Tohono O'odham Nation on January 18, 1986, and approved by the  
 15 Acting Deputy Assistant Secretary - Indian Affairs (Operations)  
 16 on March 6, 1986, pursuant to Section 16 of the Act of June 18,  
 17 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

18 *Harriet Toro*  
 19 \_\_\_\_\_  
 20 Harriet Toro, Legislative Chairperson

21 12<sup>th</sup> day of April, 1989.

ATTEST:

22 *Teresa M. Choyguha*  
 23 \_\_\_\_\_  
 24 Teresa M. Choyguha, Legislative Secretary  
 25 12<sup>th</sup> day of April, 1989.

26 Said Resolution was submitted for approval to the office of the  
 27 Chairman of the Tohono O'odham Nation on the 12 day of  
 28 April, 1989, at 11:14 o'clock, A.M.,  
 29 pursuant to the provisions of Section 5 of Article VII of the  
 30 Constitution and will become effective upon his approval or upon  
 31 his failure to either approve or disapprove it within 48 hours of  
 32 submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

33 *Andrew M. Patricio*  
 34 \_\_\_\_\_  
 35 Harriet Toro, Legislative Chairperson

36 [] APPROVED ) on the 14 day of April, 1989  
 37 [] DISAPPROVED ) at 10:06 o'clock, A.M.

38 *Angelo J. Joaquin, Sr.*  
 39 \_\_\_\_\_  
 40 ANGELO J. JOAQUIN, SR., Chairman  
 41 TOHONO O'ODHAM NATION

1 Returned to the Legislative Secretary on the 14<sup>th</sup> day of  
2 April, 1989, at 4:03 o'clock, P, M.

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4 Guacinda Allen for  
5 Teresa M. Choyguha  
6 Legislative Secretary

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MOVED: Rosita Ruiz

SUBJECT: Objecting to Assumption

SECOND: Julia Carrillo

of State Jurisdiction Over Cases

DATE: April 11, 1989

Arising Within the Nation

RESOLUTION #99-89

| DISTRICTS            | REPRESENTATIVES                            | #<br>OF VOTES | FOR     | AGAINST | NOT<br>VOTING | ABSENT       |
|----------------------|--|---------------|---------|---------|---------------|--------------|
| CHUKUT KUK<br>169.0  | 1. Rosita Ruiz<br>(Rosemary Lopez)         | 84.5          | X       |         |               |              |
|                      | 2. Harriet Toro<br>( )                     | 84.5          | X       |         |               |              |
| HICKIWAN<br>128.0    | 1. Lloyd Francisco<br>(Eleanor Santos)     | 64.0          | X       |         |               |              |
|                      | 2. Henry Ramon<br>(Billy Manuel)           | 64.0          | X       |         |               |              |
| GU VO<br>117.0       | 1. Cross Antone<br>(Juan Joe Cipriano)     | 58.5          | X       |         |               |              |
|                      | 2. Virgil Lewis<br>(Roy Montana)           | 58.5          | X       |         |               |              |
| SAN LUCY<br>85.0     | 1. John Reno<br>( )                        | 42.5          |         |         |               | X            |
|                      | 2. Max Jose<br>(Dewey Ortega)              | 42.5          |         |         |               | X            |
| PISINEMO<br>116.0    | 1. Edward Manuel<br>(Alex Antone)          | 58.0          | X       |         | X             |              |
|                      | 2. Johnson Jose<br>( )                     | 58.0          | X       |         |               |              |
| GU ACHI<br>158.0     | 1. Fernando Joaquin<br>( )                 | 79.0          | X       |         |               |              |
|                      | 2. Percy Lopez<br>( )                      | 79.0          | X       |         |               |              |
| BABOQUIVARI<br>241.0 | 1. Joann Garcia<br>(Frances Miguel)        | 120.5         | X       |         |               |              |
|                      | 2. Kenneth Chico, Sr.<br>( )               | 120.5         | X       |         |               |              |
| SAN XAVIER<br>126.0  | 1. Tony Felix<br>(Carmelita Mattias)       | 63.0          | X       |         |               |              |
|                      | 2. Eugene Enis<br>(Michael Rios)           | 63.0          | X       |         |               |              |
| SCHUK TOAK<br>105.0  | 1. ( )<br>(Frances Francisco)              | 52.5          |         | X       |               |              |
|                      | 2. Julia Carrillo<br>(JoAnn Francisco)     | 52.5          |         | X       |               |              |
| SELLS<br>257.0       | 1. Fred Stevens<br>( )                     | 128.5         | X       |         |               | X            |
|                      | 2. Andrew Patricio<br>(Daniel Lopez)       | 128.5         | X       |         |               |              |
| SIF OIDAK<br>138.0   | 1. Willard Juan, Sr.<br>(Melissa Gregorio) | 69.0          | X       |         |               |              |
|                      | 2. Nicholas Jose<br>(Letitia Garcia)       | 69.0          | X       |         |               |              |
| TOTAL                |  | 1,640.0       | 1,497.0 | -0-     | 58.0          | 85.0<br>(03) |