

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(O'Odham In Mexico Request Support from NCAI)

RES. NO. 294-88

1 WHEREAS, from time immemorial the Tohono O'Odham people have  
2 occupied a large territory in the Sonoran desert  
3 described by Spanish explorers as the Papagueria, all of  
4 which at one time lay entirely within the Republic of  
5 Mexico; and

6 WHEREAS, the Tohono O'Odham people were free to pass and repass  
7 throughout their territory; and

8 WHEREAS, the Gadsden Treaty of December 30, 1853 established a  
9 new boundary between the United States and Mexico which  
10 divided the Tohono O'Odham territory; and

11 WHEREAS, Major W.H. Emory, U.S. Commissioner for the Gadsden  
12 Treaty Border Commission, did promise the Tohono O'Odham  
13 people that "all the rights they possessed under Mexico  
14 [would be] guaranteed to them by the United States,  
15 "including the aboriginal right to pass and repass  
16 throughout their territory; and

17 WHEREAS, the federal courts have consistently recognized, as an  
18 aboriginal right, the right of American Indians whose  
19 homeland have been divided to pass and repass  
20 international boundaries without regard to immigration  
21 laws, See United States v. McCandless, 18 F.2d 282;  
22 Akins v. Saxbe, 380 F.Supp. 1210 (1974); 9 I.D. 262  
23 (1984), but the Immigration and Naturalization Services  
24 have sometimes insisted that Tohono O'Odham people must  
25 comply with standard immigration laws; and

26 WHEREAS, the Tohono O'Odham Council believes that the right of  
27 free passage for the Tohono O'Odham living in the United  
28 States or Mexico is essential for their religious  
29 observances and the enjoyment of family, social and  
30 cultural relations, and that it is necessary and  
31 incumbent on Congress to clarify this right.

32 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'Odham Legislative  
Council that it does hereby request the National

1 Congress of American Indians to support this  
2 resolution, which will recognize the right of any person  
3 recognized by the Tohono O'Odham Nation as being of  
4 Tohono O'Odham Papago descent to pass and repass freely  
5 the borders of the United States and live and work in  
6 the United States.

7 BE IT FURTHER RESOLVED that the Official Delegate to the National  
8 Congress of American Indians is hereby authorized and  
9 directed to do everything necessary to implement the  
10 purposes of this resolution.

11 The foregoing Resolution was passed by the Tohono O'odham Council  
12 on the 19th. day of October, 1988 at a meeting at which a quorum  
13 was present with a vote of 1,492.5 for; -0- against; 42.5 not  
14 voting; and 105.0 absent, pursuant to the powers vested in the  
15 Council by Section 1 (j) of Article VI of the Constitution of  
16 the Tohono O'odham Nation, adopted by the Tohono O'odham Nation  
17 on January 18, 1986, and approved by the Acting Deputy Assistant  
18 Secretary - Indian Affairs (Operations) on March 6, 1986,  
19 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.  
20 984).

21 TOHONO O'ODHAM LEGISLATIVE COUNCIL

22   
23 Harriet Toro, Legislative Chairperson

24 20<sup>th</sup> day of October, 1988.

25 ATTEST:

26   
27 Teresa M. Choyguha, Legislative Secretary


28 20<sup>th</sup> day of October, 1988.

29 Said Resolution was submitted for approval to the office of the  
30 Chairman of the Tohono O'odham Nation on the 20 day of  
31 Oct., 1988, at 2:02 o'clock, P.M.,  
32 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, Legislative Chairperson

1 [  ] APPROVED ) on the 20<sup>th</sup> day of October, 1988,  
2 [  ] DISAPPROVED ) at 7:19 o'clock, P.M.

3   
4 ENOS J. FRANCISCO, JR., Chairman  
5 TOHONO O'ODHAM NATION

6 Returned to the Legislative Secretary on the 20<sup>th</sup> day of  
7 October, 1988, at 2:51 o'clock, P.M.

8   
9 Teresa M. Choygaha  
10 Legislative Secretary

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

MOVED: Rosita Ruiz

SUBJECT: O'Odham In Mexico

SECOND: Henry Ramon

Request Support from NCAI

DATE: October 19, 1988

RESOLUTION #294-88

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 138.0	1. Nicholas Jose (Letitia Garcia)	69.0	X			
	2. Willard Juan, Sr. (Melissa Gregorio)	69.0	X			
SELLS 257.0	1. Andrew Patricio (Daniel Lopez)	128.5	X			
	2. Fred Stevens ( )	128.5	X			
SCHUK TOAK 105.0	1. Julia Carrillo (JoAnn Francisco)	52.5				X
	2. Joseph Juan (Frances Francisco)	52.5				X
SAN XAVIER 126.0	1. Eugene Enis (Michael Rios)	63.0	X			
	2. Tony Felix (Carmelita Mattias)	63.0	X			
BABOQUIVARI 241.0	1. Kenneth Chico, Sr. ( )	120.5	X			
	2. Joann Garcia (Frances Miguel)	120.5	X			
GU ACHI 158.0	1. Percy Lopez ( )	79.0	X			X
	2. Fernando Joaquin ( )	79.0	X			
PISINEMO 116.0	1. Johnson Jose ( )	58.0	X			
	2. Edward Manuel ( )	58.0	X			
SAN LUCY 85.0	1. Max Jose (Dewey Ortega)	42.5	X			
	2. John Reno ( )	42.5			X	
GU VO 117.0	1. Virgil Lewis (Roy Montana)	58.5	X			
	2. Cross Antone (Juan Joe Cipriano)	58.5	X			
HICKIWAN 128.0	1. Henry Ramon (Billy Manuel)	64.0	X			
	2. Lloyd Francisco (Eleanor Santos)	64.0	X			
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez)	84.5	X			
	2. Harriet Toro ( )	84.5	X			
TOTAL		1,640.0	1,492.5	-0-	42.5	105.0