

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Support for United States Legislation providing recognition of Tohono
O'odham residing in Mexico and a clarification of the right to freely pass
and re-pass the International Boundary existing between Mexico and
the United States for all Tohono O'odham)**

RESOLUTION NO. 98-063

WHEREAS, for many centuries, the Tohono O'odham have traversed the area from the Sonoyta Valley in Mexico to the Gila-Salt Basin of Arizona, for such purposes as keeping in contact with family and relatives, recovery of stray livestock, participating in spiritual practices, and for the sake of culture and tradition; and

WHEREAS, since the imposition of the U.S.-Mexico border, in 1853, approximately 75 miles of the Tohono O'odham Nation and two of our districts (Gu Vo, Chukut Kuk) now stand adjacent to the border; and

WHEREAS, the Nation recognizes that the Gadsden Purchase of 1853, Article IX of the treaty, requires that "[those] who...shall not preserve the character of citizens of the Mexican Republic...shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction;" and

WHEREAS, in spite of this imposition of the U.S.-Mexico border, many of our people continue to cross the border regularly; and

WHEREAS, recent federal government enforcement activities along the southern international border have placed enormous hardships for all Tohono O'odham; and

WHEREAS, enforcement of the U.S. Immigration laws has made it extremely difficult for all Tohono O'odham to continue their sovereign right to pass and re-pass the United States - Mexico border as we have done for centuries as our members are routinely stopped by the U.S. Border

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Patrol, while others have been actually "returned" to Mexico even though enrolled; and

WHEREAS, the Nation is fully aware of other tribes similarly situated who have received a clarification of existing treaty rights to freely pass and re-pass the international boundary; and

WHEREAS, Tohono O'odham have repeatedly presented this issue to Congress since the time of the Gadsden Purchase.

NOW, THEREFORE, BE IT RESOLVED THAT the Tohono O'odham Nation Legislative Council hereby empower the Chairman of the Nation to seek federal recognition of our O'odham residing in Mexico and a clarification of our historical and indigenous right to freely pass and re-pass the international boundary existing between the United States and the Republic of Mexico.

BE IT FURTHER RESOLVED THAT the Chairman of the Nation and the Legislative Council Appropriations Committee represent the interests of our O'odham residing in Mexico before the United States Congress and work towards the introduction of appropriate legislation that will provide federal recognition of our O'odham residing in Mexico.

The foregoing Resolution was passed by the Tohono O'odham Council on the 18TH, day of FEBRUARY, 1998 at a meeting at which a quorum was present with a vote of 1,149.0 FOR; 610.0 AGAINST; 168.0 NOT VOTING; and [05] 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).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Dennis Ramon, Legislative Chairman

20th day of February, 19 98

ATTEST:


Julianna Saraficio, Acting Legislative Secretary

13th day of February, 19 98.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 20th day of February, 1998 at 9:42 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


Dennis Ramon, Legislative Chairman

APPROVED

on the 24th day of February, 19 98

DISAPPROVED

at 9:15 o'clock, A.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 24th day of

February, 19 98, at 9:30 o'clock, A.M.

**Julianna Saraficio
Julianna Saraficio, Acting Legislative Secretary**

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ACTION: SUPPORT FOR UNITED STATES LEGISLATION PROVIDING RECOGNITION OF TOHONO O'ODHAM RESIDING IN MEXICO AND A CLARIFICATION OF THE RIGHT TO FREELY PASS AND RE-PASS THE INTERNATIONAL BOUNDARY EXISTING BETWEEN MEXICO AND THE UNITED STATES FOR ALL TOHONO O'ODHAM

MOVED: COUNCILMAN DAVID GARCIA

SECOND: COUNCILWOMAN BARBARA SALVICIO

DATE: FEBRUARY 18, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0			X	
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0		X		X
	2. GLORIA MONTANA (Phillip Antone)	71.0		X		
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			X
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON ()	95.0			X	
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0		X		X
	2. DENNIS RAMON ()	73.0		X		
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS** ()	60.0	X			
SELLS 322.0	1. DENNIS E. JOSE ()	161.0		X		X
	2. EVELYN JUAN ()	161.0		X		
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			X
TOTAL		1,927.0	1,149.0	610.0	168.0	[05]

**PASSED VOTES