

**TITLE 19 – LAND**

**CHAPTER 7 – EXCLUDING NON-MEMBERS FROM THE PAPAGO  
RESERVATION AND ESTABLISHING EXCEPTIONS**

*Legislative History: Ordinance No. 03-82, “Excluding Non-Members from the Papago Reservation and Establishing Exceptions,” was enacted by the Papago Tribal Council on March 10, 1982 and approved by the Papago Agency Acting Superintendent on March 15, 1982.*

ORDINANCE OF THE PAPAGO TRIBAL COUNCIL  
(Excluding Non-Members from the Papago )  
(Reservation and Establishing Exceptions)

ORD. NO. 03-82

1 FINDINGS: The Papago Council finds that

- 2 (1) the Supreme Court has adjudged that organized Indian tribes  
3 do not have criminal jurisdiction over non-Indians, but do  
4 have the power to exclude non-members from tribal lands; and  
5 (2) a tribal government's lack of criminal jurisdiction over non-  
6 Indians effectively renders it unable to regulate or control  
7 the conduct of non-Indians and to assure the peace and welfare  
8 of its members; and  
9 (3) to preserve the peace, happiness and welfare of the members  
10 of the Papago Tribe it is necessary to limit access to the  
11 Papago Reservation by non-members of the Papago Tribe.

8 NOW, THEREFORE, BE IT ORDAINED that all persons who are not members of the  
9 Papago Tribe and who are not, by the provisions of this Ordinance,  
10 authorized to enter, traverse or be within the exterior boundaries  
11 of the Papago Reservation, are excluded from all or any part of  
12 the lands within the exterior boundaries of the Papago Reservation,  
13 including San Xavier, San Lucy (Gila Bend) and Florence.

12 BE IT FURTHER ORDAINED that the following persons who are not members of the  
13 Papago Tribe are authorized to enter, traverse or be within the  
14 exterior boundaries of the Papago Reservation:

- 15 1. Persons within the legal right-of-way of any state  
16 or federal highway or road.  
17 2. Persons authorized by federal statute or administrative  
18 regulations to be present therein.  
19 3. Employees, agents, officers or invitees of the Papago  
20 Tribe and of its subsidiary organizations, such as the  
21 Papago Farming Authority, Papago Tribal Utility  
22 Authority, O'Odham Construction & Materials Co.  
23 4. Employees, agents, officers or invitees of the District  
24 Councils and of their subsidiary organizations.  
25 5. Private and business invitees of members of the Papago  
26 Tribe residing on the Papago Reservation.  
27 6. Owners of fee patent lands and of patented and  
28 unpatented mining claims located within the exterior  
29 boundaries of the Papago Reservation, and their  
30 employees, agents, officers or invitees.  
31 7. Members of any church or missionary organizations  
32 occupying or using buildings and grounds located on  
the Papago Reservation for religious or educational  
purposes, and their employees and agents.  
8. Persons or organizations, and their employees, agents,  
officers, invitees, or sub-contractors working or  
engaged in business on the Papago Reservation pursuant  
to a valid license, permit, lease or right-of-way  
issued by the Papago Tribe or District Council.  
9. Persons who have registered with a District Office and  
who have obtained a special license or permission to  
enter upon, traverse, camp or reside within the licens-  
ing District, upon the payment of such fees and in  
compliance with such conditions as the District Council  
may from time to time by resolution direct.

1 BE IT FURTHER ORDAINED that any person, not a member of the Papago Tribe and  
2 not herein specifically authorized to enter, traverse or be within  
3 the exterior boundaries of the Papago Reservation, who is found  
4 to be present within the exterior boundaries of the Papago  
5 Reservation, is guilty of trespass against the people and lands  
6 of the Papago Tribe shall be subject to forcible removal therefrom,  
7 and may, upon the judgment or order of the Papago Tribal Courts or  
8 other court, be subject to civil damages or criminal penalties and  
9 be excluded from further entry to the Papago Reservation; provided,  
10 that any criminal penalties shall be imposed only by a court of  
11 competent jurisdiction.

9 BE IT FURTHER ORDAINED that any resolutions or ordinances of the Papago Tribe  
10 heretofore enacted which are in conflict with this Ordinance shall  
11 have no further legal force or effect.

12 The foregoing Ordinance was duly enacted by the Papago Council on the 10th  
13 day of March, 1982, at a meeting at which a quorum was present with a vote of  
14 1065.0 for; 0 against; 83.0 not voting; and 3 absent,  
15 pursuant to the authority vested in the Papago Council by Section 3 (b) and (c)  
16 of Article V of the Constitution and By-laws of the Papago Tribe of Arizona as  
17 amended, ratified by the Papago Tribe on December 12, 1936, and approved by  
18 the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of  
19 the Act of June 18, 1934 (48 Stat. 984). Said Ordinance is effective as of  
20 the date of its approval by the Superintendent of the Papago Agency and is  
21 subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

Max H. Norris  
Max H. Norris, Chairman

21 ATTEST:

22 Rose Johnson  
23 Rose Johnson, Secretary

24 ORDINANCE APPROVED this 15 day of March, 1982.

25  
26 Charles R. Norton  
27 Acting Superintendent,  
28 Papago Agency



Moved: Delma Garcia

Seconded: Henry Ramon

Date: 03/10/82

RESOLUTION- Excluding Non-Members from the  
Papago Reservation and  
Establishing Exceptions  
Resolution  
or  
Ordinance # 03-82

Districts	Representatives	No of Votes	For	Against	Not Voting	Absent
BABOQUIVARI 175	1. Edward N. Kisto (Joann Garcia) 2. Kenneth Chico, Sr. (Donald Harvey)	87.5 87.5	X X			
CHUKUT KUK 117	1. Rosemary Lopez ( 2. Harriet Toro (Lawrence Jose)	58.5 58.5	X X			
GU ACHI 123	1. Angelo J. Joaquin, Sr. (Joseph Pete Ramon) 2. Cipriano Manuel (Fernando Joaquin)	61.5 61.5	X X			
GU VO 54	1. Cross Antone (Juan Joe Cipriano) 2. Alvin Virgil Lewis (Henry F. Manuel)	27.0 27.0	X X			X
HICKIWAN 79	1. Henry A. Ramon (James Angea) 2. Delma Garcia (Archie Pilone)	39.5 39.5	X X			
PISINEMO 82	1. Lamando Francisco (Herman Lopez) 2. Johnson Jose (Frank Garcia)	41.0 41.0	X X			
SAN LUCY 44	1. Max P. Jose (Garfield Lenzo) 2. Albert Gomez (Jeannie Morris)	22.0 22.0	X X			
SAN XAVIER 107	1. John B. Narcho (Simon Mamake) 2. John Lewis (Carmelita Mattias)	53.5 53.5	X X			
SCHUK TOAK 83	1. Alex Juan (Francisco Jose, Jr.) 2. Jo Ann Francisco (Priscilla G. Domingo)	41.5 41.5			X X	X
SELLS 168	1. Andrew M. Patricio (Larry Garcia) 2. Fred Stevens (Dennis Jose)	84.0 84.0	X X			X
SIF OIDAK 116	1. Elliot Lewis (Eugene Jose) 2. Nicklos Jose (Alice Norris)	58.0 58.0	X X			
TOTALS		1148.0	1065.0	0	83.0	3