

WHEREAS, At the present time, treatment of tubercular patients in in off-reservation sanatoriums is on a voluntary basis, and certain Papago Indians are refusing to go to such sanatoriums, or are leaving them against medical advice while their tuberculosis is still contagious and are returning to the Papago Reservation, where they are acting as sources of infection to their families and all persons with whom they come in contact; but the Papago Tribe through its courts is without authority under present law if it orders such persons committed for treatment to confine them to sanitoriums outside the boundaries of the Papago Reservations, and

WHEREAS, The Act of August 1, 1914 (25 U.S.C. 198) provides that the Secretary of the Interior may order Indians suffering from contagious tuberculosis or other contagious or infectious diseases confined involuntarily for treatment, and the Act of August 5, 1954 (68 Stat. 764), transfers this authority to the Surgeon General of the U.S. Public Health Service under the supervision and direction of the Secretary of Health, Education and Welfare, and

WHEREAS, No procedure has been adopted for implementing the authority of the Surgeon General to commit Indians suffering from contagious tuberculosis or other contagious disease for treatment, and a need now exists on the Papago Reservation for such procedure.

THEREFORE LET IT BE RESOLVED That the Secretary of Health, Education and Welfare be requested to adopt a regulation providing procedures for committing involuntarily for treatment any Indian who is afflicted with contagious tuberculosis or other contagious disease who refuses to accept such isolation, care or treatment as is necessary to prevent danger to the health of other persons; provided, that such regulation provide for a fair hearing for any Indian whom it is proposed to commit who denies that he is afflicted with contagious disease or that he is endangering the health of other persons.

The Superintendent is requested to forward this resolution to the Secretary of Interior, who is requested to forward it to the Secretary of Health, Education and Welfare with a recommendation for favorable action.

The foregoing resolution was duly enacted by the Papago Council on July 10, 1959 with a vote of 18 for and 0 against, during a meeting at which a quorum was present, pursuant to authority vested in it by Article V, Section 2(h) of the Constitution of the Tribe ratified on December 12, 1936 and approved by the Sec. of the Interior on January 6, 1937 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.)

THE PAPAGO COUNCIL

by

Enos J. Francisco
Enos J. Francisco, Chairman

Attest:

Evelyn Antone
Evelyn Antone, Secretary