

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Requesting Federal Legislation)

RES. NO. 123-87

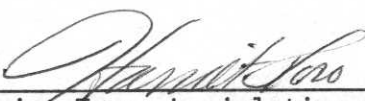
1 WHEREAS, from time immemorial the Tohono O'Odham people have occupied a large  
2 territory in the Sonoran desert described by Spanish explorers as the  
3 Papagueria, all of which at one time lay entirely within the Republic  
4 of Mexico; and  
5 WHEREAS, the Tohono O'Odham people were free to pass and repass throughout  
6 their territory; and  
7 WHEREAS, the Gadsden Treaty of December 30, 1853, established a new boundary  
8 between the United States and Mexico which divided the Tohono O'Odham  
9 territory; and  
10  
11 WHEREAS, Major W.H. Emory, U.S. Commissioner for the Gadsden Treaty Border  
12 Commission, did promise the Tohono O'Odham people that "all the rights  
13 they possessed under Mexico [would be] guaranteed to them by the  
14 United States," including the aboriginal right to pass and repass  
15 throughout their territory; and  
16  
17 WHEREAS, the federal courts have consistently recognized, as an aboriginal  
18 right, the right of American Indians whose homelands have been divided  
19 to pass and repass international boundaries without regard to immi-  
20 gration laws, See United States v. McCandless, 18 F.2d 282; Akins v.  
21 Saxbe, 380 F.Supp. 1210 (1974); 9 I.D. 262 (1984), but the Immigration  
22 and Naturalization Services have sometimes insisted that Tohono  
23 O'Odham people must comply with standard immigration laws; and  
24  
25 WHEREAS, the Tohono O'Odham Council believes that the right of free passage for  
26 the Tohono O'Odham living in the United States or Mexico is essential  
27 for their religious observances and the enjoyment of family, social  
28 and cultural relations, and that it is necessary and incumbent on  
29 Congress to clarify this right.  
30 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'Odham Council that it does  
31 hereby request Senators Dennis DeConcini and John McCain and Congress-  
32 man Morris K. Udall and Jim Kolbe to sponsor and support a bill by

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


5 BE IT FURTHER RESOLVED that the Chairman and other appropriate officers, agents  
6 and attorneys of the Tohono O'Odham Nation are hereby authorized and  
7 directed to do everything necessary to implement the purposes of this  
8 resolution.  
9

10 The foregoing resolution was passed by the Tohono O'odham Council on the 6th  
11 day of April, 1987, at a meeting at which a quorum was present with a vote of  
12 1060.5 for; 521.5 against; 58.0 not voting; and -0- absent, pursuant to the  
13 powers vested in the Council by Section 1 (j) of Article VI of the Constitu-  
14 tion of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on  
15 January 18, 1986, and approved by the Acting Deputy Assistant Secretary -  
16 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act  
17 of June 18, 1934 (48 Stat. 984).

18 TOHONO O'ODHAM LEGISLATIVE COUNCIL

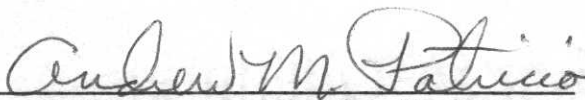
19   
20 Harriet Toro, Legislative Chairperson  
21 16<sup>th</sup> day of April, 1987.

22 ATTEST:

23   
24 Acting Legislative Secretary  
25 20<sup>th</sup> day of April, 1987.

26 Said Resolution was submitted for approval to the office of the Chairman of the  
27 Tohono O'odham Nation on the 20 day of April, 1987, at 11:38  
28 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the  
29 Constitution and will become effective upon his approval or upon his failure to  
30 either approve or disapprove it within 48 hours of submittal.

31 TOHONO O'ODHAM LEGISLATIVE COUNCIL

32   
For Harriet Toro, Legislative Chairperson

1 [  ] APPROVED ) on the 23 day of April, 1987, at  
2 [  ] DISAPPROVED ) 11:39 o'clock, A.M.

3  
4 Josiah Moore  
JOSIAH MOORE, Chairman  
TOHONO O'ODHAM NATION

5  
6 Returned to Legislative Secretary on the 23<sup>rd</sup> day of April, 1987,  
7 at 1:27 o'clock, P.M.

8  
9 Priscilla Allen  
10 Acting Legislative Secretary

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MOVED: ROSEMARY LOPEZ

SUBJECT: REQUESTING FEDERAL LEGISLATION

SECOND: EDWARD KISTO

DATE: APRIL 6, 1987

RESOLUTION ~~OR ORDINANCE~~ # 123-87

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 138	1. Elliott Lewis ( ) 2. Nicholas Jose (Letitia Garcia)	69.0 69.0	X X			
SELLS 257	1. Andrew M. Patricio (Nora Alveraz) 2. Fred Stevens, Sr. ( )	128.5 128.5	X	X		
SCHUK TOAK 105	1. Joseph Juan ( ) 2. Julia Carrillo (JoAnn Francisco)	52.5 52.5	X X			
SAN XAVIER 126	1. Yvonne Corella (Austin Nunez) 2. Tony Felix (Carmelita Mattias)	63.0 63.0	X	X		
BABOQUIVARI 241	1. Edward N. Kisto ( ) 2. Kenneth Chico, Sr. (Frances Miguel)	120.5 120.5	X X			
GU ACHI 158	1. Angelo Joaquin, Sr. ( ) 2. Fernando Joaquin ( )	79.0 79.0	X X			
PISINEMO 116	1. Jerome Antone (Consuela Mendoza) 2. Johnson Jose (Edward Manuel)	58.0 58.0			X	
SAN LUCY 85	1. John Reno ( ) 2. Max P. Jose (Dewey Ortega)	42.5 42.5		X X		
GU VO 117	1. Cross Antone (Fern Salcido) 2. Virgil Lewis (Roy Montana)	58.5 58.5		X X		
HICKIWAN 128	1. Henry A. Ramon (Pablo Baptisto) 2. Lloyd Francisco (Eleanor Santos)	64.0 64.0		X X		
CHUKUT KUK 169	1. Rosemary Lopez (Anita C. Clark) 2. Harriet Toro (Marvin J. Thomas)	84.5 84.5	X X			
TOTALS		1640.0	1060.5	521.5	58.0	-0-