

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Requesting Support from NCAI for O'odham in Mexico)

RES. NO. 330-87

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
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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
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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
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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.
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31 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'Odham Council that it does
32 hereby request the National Congress of American Indians to support
a bill, by which Congress will recognize the right of any person
recognized by the Tohono O'Odham Nation as being of Tohono O'Odham -

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Papago descent to pass and repass freely the borders of the United States and live and work in the United States.

BE IT FURTHER RESOLVED that the Official Delegate of the Tohono O'odham Nation to the National Congress of American Indians is hereby authorized and directed to do everything necessary to implement the purposes of this resolution.

The foregoing resolution was passed by the Tohono O'odham Council on the 15th day of September, 1987, at a meeting at which a quorum was present with a vote of 1,640.0 for; -0- against; -0- not voting; and 01 absent, pursuant to the powers vested in the Council by Section 1 (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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Toro
Harriet Toro, Legislative Chairperson
16th day of September, 1987.

ATTEST:

Verasa M. Choyzuka
Legislative Secretary
16th day of September, 1987.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 17th day of September, 1987, at 2:19 o'clock, P.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.

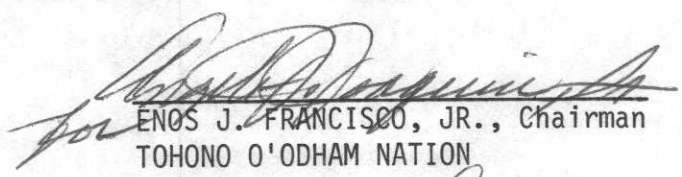
TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Toro
Harriet Toro, Legislative Chairperson

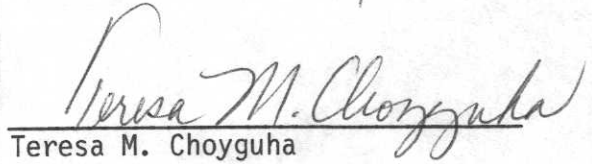
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APPROVED)
 DISAPPROVED)

on the 18th day of September 19 87, at
2:30 o'clock, P..M.


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

Returned to Legislative Secretary on the 18th day of September, 19 87,
at 4:40 o'clock, P..M.


Teresa M. Choyguha
Legislative Secretary

MOVED: ROSITA RUIZ

SUBJECT: REQUESTING SUPPORT FROM NCAI FOR

SECOND: ANDREW PATRICIO

O'ODHAM IN MEXICO

DATE: SEPTEMBER 15, 1987

RESOLUTION OR ORDINANCE #330-87

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 138.0	1. Nicholas Jose (Letitia Garcia) 2. Willard Juan, Sr. (Melissa Gregorio)	69.0 69.0	X X			
SELLS 257.0	1. Andrew Patricio (Daniel Lopez) 2. Fred Stevens ()	128.5 128.5	X X			
SCHUK TOAK 105.0	1. Julia Carrillo (JoAnn Francisco) 2. Joseph Juan (Frances Francisco)	52.5 52.5	X X			
SAN XAVIER 126.0	1. Eugene Enis (Michael Rios) 2. Tony Felix (Carmelita Mattias)	63.0 63.0	X X			
BABOQUIVARI 241.0	1. Kenneth Chico, Sr. () 2. Joann Garcia (Frances Miguel)	120.5 120.5	X X			
GU ACHI 158.0	1. Percy Lopez () 2. Fernando Joaquin ()	79.0 79.0	X X			
PISINEMO 116.0	1. Johnson Jose () 2. Edward Manuel (Alex Antone)	58.0 58.0	X X			
SAN LUCY 85.0	1. Max Jose (Dewey Ortega) 2. John Reno ()	42.5 42.5	X X			
GU VO 117.0	1. Virgil Lewis (Roy Montana) 2. Cross Antone (Juan Joe Cipriano)	58.5 58.5	X X			X
HICKIWAN 128.0	1. Henry Ramon (Billy Manuel) 2. Lloyd Francisco (Eleanor Santos)	64.0 64.0	X X			
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez) 2. Harriet Toro (Marvin Thomas)	84.5 84.5	X X			
TOTALS		1640.0	1,640.0	-0-	-0-	01