

# MAKE IT RIGHT.



Tohono O'odham Nation  
*Citizenship Initiative*

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**Selected Articles from Media Coverage 2000-2001**

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June 27, 2001	<i>Arizona Daily Star</i>	Making O'odham Citizens Advances	Carmen Duarte
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May 30, 2001	<i>Arizona Daily Star</i>	Tohono O'odham: Campaign For Citizenship	Carmen Duarte
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# Making O'odham citizens advances

By Carmen Duarte  
ARIZONA DAILY STAR

U.S. Rep. Ed Pastor is planning to introduce a bill this week that would amend federal immigration laws to make 8,400 Tohono O'odham members U.S. citizens.

The Arizona Democrat supports a revision in the Immigration and Nationality Act of 1952 that seeks U.S. citizenship for all enrolled tribal members. Under the amended act, a tribal membership card would serve as proof of citizenship or a birth certificate.

"The congressman needs to go over the bill's wording with Tribal Vice Chairman Henry Ramon before he moves forward," said Maura Saavedra, Pastor's press secretary. She said Pastor and Ramon plan to meet today.

"We know Congress never intended that our people would not be United States citizens," said Ramon. "We call on Congress to make it right."

Tribal Chairman Edward D. Manuel said "the international boundary has split our land in half and this situation must be corrected."

If the act is amended, enrolled tribal members could freely cross the border to work, partic-

SEE PASTOR / B8

## PASTOR Bill would make U.S. citizens of tribal members

Continued from Page B1

ipate in religious ceremonies, keep medical appointments in Sells and visit relatives.

For decades, the U.S. government allowed the crossings, but things changed beginning in 1986 with new immigration laws and with beefed-up drug enforcement along the border, making it more difficult to cross into the United States.

The border, tribal officials say, is causing hardship for 8,400 Tohono O'odham members on both sides — most of them with no birth certificates to prove citizenship. The tribe has 24,000 enrolled members.

Tribal delegates began lobbying for the citizenship cause earlier this month by meeting with lawmakers in Washington to discuss their plight.

"I feel real good about our meetings with politicians and their aides," said Mary Narcho, who returned to Tucson from Washington on Monday.

While in Washington, Narcho went to many lawmakers handing out a book, a video and documents explaining the problem.

"It seemed Democrats were more for it than Republicans. But, there were Republicans who favored the bill, too," said Narcho, 58, who works for the tribe as a contract specialist.

"I was born at home. I don't have a birth certificate, and I am having problems obtaining a delayed birth certificate because I need three witnesses to my birth. My mother is alive, but my two aunts are dead," she said.

Those affected by the amended citizenship act would include 7,000 Tohono O'odham members who:

► Were born in the United States, but do not have documents to obtain birth certificates.

► Were born in Mexico but who now live illegally in the United States.

► Were born in Mexico of parents who are U.S. citizens, but whose parents cannot prove it.

Also helped by the act would be about 1,400 other members who were born in Mexico and still live there.

For centuries, Tohono O'odham, which means "desert people," lived on their traditional lands — lands that stretched from Phoenix south to Hermosillo, Sonora, and west to the Gulf of California.

The Tohono O'odham Nation's capital is Sells, about 60 miles west of Tucson.

The Tohono O'odham lived there long before it was part of New Spain, and later, Mexico, after it won its independence in 1821. The Gila River was the boundary between Mexico and the United States in 1848, when Mexico ceded the land north of it.

The river remained the international boundary until Congress ratified the Gadsden Purchase of the southern portions of New Mexico and Arizona in 1854. A year earlier, the tribe's lands were divided between what is now Mexico and the United States.

Raúl Grijalva, chairman of the Pima County Board of Supervisors, said he expects supervisors to pass a resolution July 17 instructing the county's federal lobbyist to work in behalf of the Tohono O'odham Nation and the passage of the bill.

Grijalva, who was in Washington, joined tribal members in educating lawmakers about their situation. "They have a powerful message, and the injustice needs to be corrected," he said.

► Contact Carmen Duarte at 573-4195 or at [cduarte@azstarnet.com](mailto:cduarte@azstarnet.com) he said.

their births were not officially documented. About 1,400 members who live on the Mexican side are considered Mexican by U.S. authorities.

The problem prompted several dozen tribal members to travel to Washington to lobby lawmakers to pass a bill that would allow official O'odham tribe members to be granted U.S. citizenship.

Other tribes, including the Kickapoo in Texas and tribes along the U.S.-Canadian border, have received permission for a limited number of members to travel back and forth.

The citizenship issue dates back to the Gadsden Purchase in 1853 when the United States bought nearly 30,000 square miles of land from Mexico.

The deal between the two countries did not include provisions for dealing with citizenship for the O'odham members. The issue was again overlooked in 1937 when the tribe was officially recognized as a sovereign Indian nation by the federal government, according to tribal leaders.

But the issue didn't emerge as a problem until the 1990s when Congress began spending millions of dollars on stemming the flow of illegal immigrants along the U.S.-Mexico border. Before then, tribal members crossed the bleak and barren border by simply flashing tribal identification cards.

The increased vigilance, however, has brought large numbers of U.S. Border Patrol agents, turning the reservation into a "war zone," said Henry Ramon, the tribe's vice-chairman.

He said appointments with doctors, visits with family members and regular pilgrimages to burial sites and other sacred places have become dangerous and difficult because tribal members now get routinely questioned about their legal status by U.S. Border Patrol agents.

Since many Mexican members do not speak English, they often get deported or hassled when confronted by U.S. authorities, he said.

The Immigration and Naturalization Service attempted to resolve the problem in 1999 when it issued temporary border crossing cards to Mexican tribal members. But tribal leaders want a permanent solution.

"We have become 'aliens' on our own lands," said Ramon. "This is not right."

For Chuhuhua, who has children and grandchildren on both sides of the border, the tension there has kept her close-knit family separated.

"The border is just a wooden fence with barbed wire," she said. "The land belongs to all of our people."

# THE ARIZONA REPUBLIC

## Indians on border want freer crossings

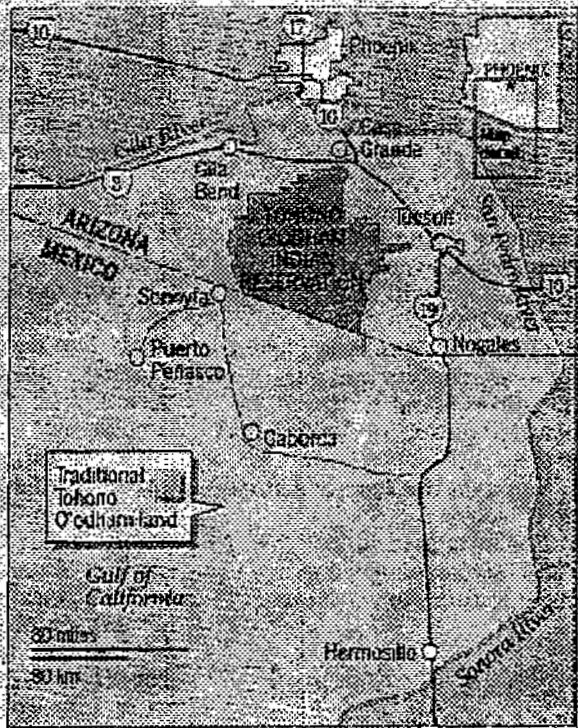
By Sergio Bustos

Gannett News Service

June 04, 2001 15:45:00. ALSO RAN IN "Valley & State Section", OF THE REPUBLIC ON 5-6-01

### Tohono O'odham lands span two nations

The traditional Tohono O'odham lands are about the size of the state of Connecticut and straddle the U.S.-Mexico border. Most of the 24,000 members live in the United States, but 1,400 live on the Mexican side. There are no definitive boundaries of the Tohono O'odham lands on the Mexican side because Mexico — unlike the United States — does not set aside lands as sovereign nations for indigenous groups.



Source: Tohono O'odham Nation.

Sergio Bustos/The Arizona Republic

WASHINGTON - Alicia Chuhuhua, a member of the Tohono O'odham Nation, ventured to Capitol Hill today, hoping that Congress will allow her and thousands of other tribal members to freely travel on the lands of their ancestors.

In the eyes of the U.S. government, Chuhuhua is considered an illegal immigrant whenever she goes from the Mexican side to the U.S. side of the reservation, which straddles the border in southern Arizona.

"The United States treats me like a foreigner when, in fact, my family has lived here for centuries," said Chuhuhua, 63, who lives in Pozo Prieto, a community on the Mexican side of the reservation.

The vast reservation - about the size of Connecticut - is home to 24,000 O'odham members. About 7,000 members who live on the U.S. side cannot prove their U.S. citizenship because they were born at home and

# The Washington Post

**A Nation Divided, Indians Want to Traverse Freely**  
Ellen Nakashima

06/03/2001

The Washington Post

FINAL

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SAN MIGUEL GATE, on the U.S.-Mexico border -- Mary Narcho stopped her white minivan just shy of the barbed-wire fence several days ago. For thousands of years, her ancestors, members of the Tohono O'odham Indian nation, traversed this very spot.

But in recent years, the U.S. Border Patrol has stepped up its presence, and on this day, Narcho, 58, was edgy. Though she considers herself a U.S. citizen, lives on the O'odham reservation and is retired from the federal government after 31 years, she was born at home and has no proof of her citizenship.

"I'm scared to go across," she said, unwilling to move forward at this traditional Indian crossing among the mesquite and saguaro cactus of the Sonoran Desert.

The imposition of the U.S.-Mexico border in 1853 cleaved the O'odham nation in two. But it was only in the past five years, with the doubling of patrols along the Arizona frontier to crack down on illegal immigration and drug-smuggling, that the once-irrelevant border has confronted the 24,000-member O'odham nation with a series of challenges and anomalies -- none of their own making.

For generations, they trekked back and forth across the border, which seemed little more than the whim of government cartographers. They visited relatives and made religious pilgrimages to Magdalena, Mexico, for the feast of Saint Francis Xavier.

About 7,000 O'odham who live north of the border but were Mexican-born, or born in the United States but cannot prove it, find themselves aliens on their own land. They are unable to visit family and make pilgrimages to the south and return freely. Some cannot obtain Social Security or veterans' benefits or apply for jobs as teachers or police officers. They live in fear that they might be deported.

An additional 1,400 O'odham who live in Mexico find it difficult to come north to the reservation to receive health benefits to which they're entitled, a prime concern to a people who suffer one of the highest rates of diabetes in the world.

"We have lived here from time immemorial," said Edward D. Manuel, 54, chairman of the Tohono O'odham (pronounced Toh-noh-AH-thum), sitting at a conference table in the nation's Sells, Ariz., headquarters. "And now we have to prove that we're from one side or the other. Why should we do that? This is our land, regardless which side it is. Why prove that we're visitors of our own land?"

In an effort to make it easier to cross at official entry points, the Immigration and Naturalization Service and the Mexican government allowed more than 1,300 tribal members in Mexico who are not U.S. citizens to receive border-crossing cards and Mexican passports. But that is good for only 10 years, the Indians say. And it does not help those living in the United States without documentation.

On Monday, the O'odham will take their case to Washington, where they will hold a demonstration on the Capitol steps and then begin lobbying lawmakers. They want Congress to pass a law that will give them the right to pass freely across the border by making their tribal identification card the equivalent of a federally issued citizenship certificate.

"We want a permanent solution," Manuel said. "Our intention is to allow them to stay as long as they want to stay and to go back when they're ready to go back."

Mark S. Krikorian of the Center for Immigration Studies, an independent, nonprofit research organization, said such a law would be dangerous. "People who don't have American citizenship will be able to claim it because the tribal ID card will now become evidence of American citizenship, which it manifestly is not," he said.

In 1983, the Kickapoo, whose members live in Texas and Mexico, won U.S. citizenship and border-crossing rights for all members for five years, but the initiative was time-limited, and the tribal roll was prepared by the interior secretary, not the tribe. The Jay Treaty of 1794 granted the Indians on the Canadian border the right to cross freely.

The O'odham are unique among Indians in the Southwest. In 1937, when Congress recognized them as a sovereign government, they became the only nation to enroll members on both sides of the U.S.-Mexico border and to have land contiguous to the border (75 miles between Sonoyta and Nogales, Mexico). They view their proposed Citizenship Initiative as a first step toward a consistent immigration policy.

"Immigration law is discretionary, and so how it's applied depends on who stops you," said Lupe Castillo, a member of Derechos Humanos, a pro-immigration human rights group in Tucson who is helping the O'odham with their lobbying effort. "What is policy today is not policy tomorrow. . . . The Tohono O'odham are collateral damage of history."

#### A Patrol Stop

The red and blue lights of the Border Patrol all-terrain vehicle illuminated David Manuel's rattletrap Chevy pickup in the dark of the Sonoran Desert in southern Arizona on a recent Saturday night.

Apague su motor!

Kill the engine!

A young U.S. Border Patrol agent trained his flashlight on Manuel's weathered face. Give me your keys. Show me your papers, the agent said in Spanish.

A few miles back, Manuel had entered his nation's land -- a reservation the size of Connecticut, second in size only to the Navajo -- at a traditional crossing called Managers' Dam, nosing through a gap in a barbed-wire fence.

Manuel, 63, was born in Ajo, Ariz., but like many O'odham elders, he was born at home and no official recorded his birth. He has a tribal ID card and a laminated letter from the tribe attesting to his status -- but that did not impress the border patrol agent. After checking with a superior, the agent let Manuel proceed, though he made clear he should have crossed at a designated entry, such as Sonoyta, about an hour away.

Border Patrol officials in the region say that a law providing the O'odham with better documentation would help the border police in Arizona, who face the greatest numbers of undocumented immigrants and drug smugglers.

"If legislation is passed that helps us establish what their identity is, so we're able to do our job and not impede their lifestyle, that would make our life a lot easier, too," said Lisa McClellan, Tucson sector border patrol spokeswoman.

'Make It Right'

Narcho, like all other O'odham, has a tribal ID. But that alone, she fears, will not protect her if she runs up against an unsympathetic U.S. patrol agent or Mexican federales.

She crossed San Miguel Gate, entering Pozo Verde, a sparsely settled O'odham community set amid the yucca and mesquite. A trio of baby-faced federales were waiting near a couple of vendors selling tortillas and cheese. This time, they gave her no trouble.

Narcho proceeded along the desert path, revisiting the places of her youth.

This is where, she recalled, her grandmother used to hold all-night wakes for the dead, chanting prayers in O'odham until the sun rose and it was time to bury the body. "I remember laying beside her on the blanket during the night as she prayed," Narcho said. "It was safe. You wouldn't even think of doing that now."

Narcho was accompanied by Art Wilson, 42, a U.S. citizen born on the reservation and raised in Pozo Verde. He pointed out the spot near a tree where his father was born and the church he attended, then directed Narcho to the adobe home of Alicia Bustamante, Wilson's aunt.

Bustamante is the last traditional potter among the Tohono O'odham. She uses clay collected from the Cedagi Wahia mountain, which, when fired in her earthen kiln, develops distinctive gold specks.

Wilson talked about the importance of being able to share this with his children, about being able to cross into Pozo Verde.

"I was raised in the south, and I've always recognized the south as my home," he said, referring to the Mexican community. "I bring my children here to Pozo Verde and tell them our stories. I show them our ceremonial ground, how we are connected to the land, how we acknowledge our relationships."

Soon, Wilson will be in Washington, where he will ask Congress to "make it right."

"I will ask them," he said, "to make our land to the north and the land to the south all O'odham land again."

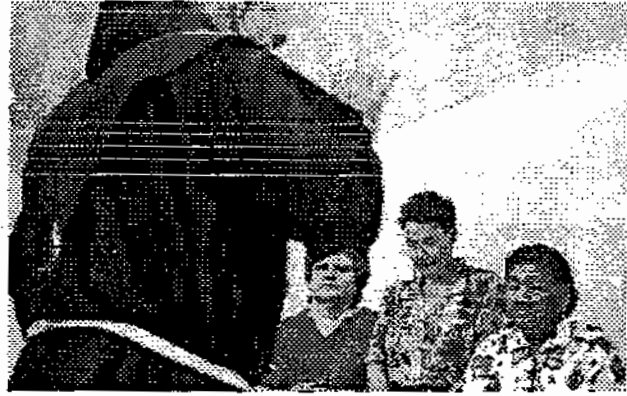


# The Arizona Daily Star

Journey for citizenship - O'odham group off to D.C. to lobby Congress



*Mary Miguel, left in top photo, hugs Dolores Lopez, a member of the Tohono O'odham delegation on its way to Washington, D.C. The group is seeking U.S. citizenship for all enrolled tribal members, including those without birth certificates and those living in Mexico.*



*Father David Gau of Mission San Xavier del Bac, bottom photo, prays for success of the delegation, including, from left, Mary Narcho, Margo Cowan and Dolores Lopez. [Photos by Jeffrey Scott / Staff]*

**By Adam Borowitz**  
ARIZONA DAILY STAR

A group of Tohono O'odham elders and leaders will walk the halls of Congress for the next three months, knocking on every congressman's door and asking that all tribal members be recognized as U.S. citizens.

A group of 16 O'odham representatives left for Washington, D.C., Saturday afternoon to seek an amendment to the Immigration and Nationality Act of 1952 that would make all enrolled members of the tribe U.S. citizens.

The amendment would also make tribal membership cards double as proof of U.S. citizenship.

More than 100 people gathered Saturday morning to offer their support at a send-off ceremony at the San Xavier District office southwest of Tucson.

Seven members of the delegation stood during the ceremony. Some smiled and some wept as they were blessed with sage smoke and holy water.

"Today, we continue our long journey to reunite our Tohono O'odham family," Tribal Vice Chairman and delegation member Henry Ramon said to the group. "We call upon Congress to

make it right and to end the injustice to our nation by making all members United States citizens, now and forever. It is time to make it right."

The group that left Saturday joins another 15-member delegation that left from Sells last week.

The tribal members will announce their initiative at 10 a.m. Monday morning on the east steps of the U.S. Capitol before embarking on a door-to-door campaign to speak with every member of Congress, said Margo Cowan, general counsel for the tribe.

About 8,400 of the 24,000 members of the Tohono O'odham tribe are not considered U.S. citizens.

Of those, 7,000 are not considered U.S. citizens because they do not have birth certificates, said Ramon.

Although many of them are veterans, they are not eligible for benefits.

"I served in the Korean War and I got an honorable discharge," Ramon said

"But I had no birth certificate. I could have been deported."

They do not have birth certificates because most births of tribal members took place at home until the 1980s, Ramon said.

Another 1,400 members live on tribal land in Mexico, making them subject to arrest and deportation if they are found north of the border.

"We have a constitution approved by the secretary of the interior in Washington that spells out the requirements to become a Tohono O'odham member, and the people across the border have met those requirements," Ramon said. "That's not the problem. The border is the problem."

Tribal Chairman Edward Manuel says that when the U.S.-Mexican border was established, his tribe was not taken into consideration.

"They cut our land in half; they cut our people in half," he said. "We are not allowed to walk on our own lands, and that is a human rights injustice."

The 2.8 million-acre Tohono O'odham reservation is split by about 75 miles of the U.S.-Mexican border. South of the line, 12 communities are home to many of the 1,400 Tohono O'odham who live in Mexico.

The trip will be paid for with \$100,000 allocated from tribal funds, said David Garcia, a tribal legislative representative. It will also pay for informational videos and packets that will be distributed to members of Congress.

Pima County Supervisor Raul Grijalva said he attended the meeting to show Tucson's support of the initiative.

"This deserves the backing of the entire community," Grijalva said. "It's not just about what's happening at the border. It's about a people who have been here since time immemorial."

Contact Adam Borowitz at 629-9412 or [borowitz@azstarnet.com](mailto:borowitz@azstarnet.com).

# Tucson Citizen

## A nation divided

**The U.S.-Mexico border runs through the Tohono O'odham Reservation, and with pumped up Border Patrol surveillance, tribal members are increasingly fearful of visiting family on the other side.**



Augustine Toro, chairman of the Border Committee for the Tohono O'odham nation, stands at the San Miguel crossing into Mexico.

Photos by TRICIA McINROY/Tucson Citizen

### SUSAN CARROLL

Citizen Staff Writer

June 1, 2001

**SAN MIGUEL** - As a little girl, Mary Narcho trekked with her grandparents through the crags and valleys of the Tohono O'odham reservation, picking the waxy blossoms of the Saguaro cactus.

With tiny hands, she harvested the fruit of the cactus each summer to make jams and syrup, traveling freely on the tribe's land without heed of the barbed wire and wood fence that cuts across the reservation, separating the United States from Mexico.

Now, that way of life seems little more than an idyllic childhood memory to tribal members such as Narcho, who have witnessed the buildup of the Border Patrol on the tribe's lands in the late 1990s.

"It was peaceful then, but it's not so peaceful anymore," said Narcho, 58. "There are actually very few people who go out and pick the cactus fruit anymore. They are afraid."

A delegation of Tohono O'odham leaders is heading to Washington, D.C., tomorrow to ask Congress to unite tribal members separated by the 156-year-old Gadsden Purchase that divided the tribe's traditional lands.

Tribal officials plan to spend two months in Washington lobbying the federal government to amend the Immigration and Nationality Act of 1952 and make all enrolled tribal members on both sides of the border U.S. citizens.

"For years, this has been a historical oversight that should have been recognized," said Margo Cowan, general counsel for the tribe. "The law is wrong because it treats members of a federally recognized nation as immigrants, and they're not. They're indigenous."

For decades, the U.S. and Mexican governments allowed tribal members to travel freely across the border for work, family visits and religious ceremonies.

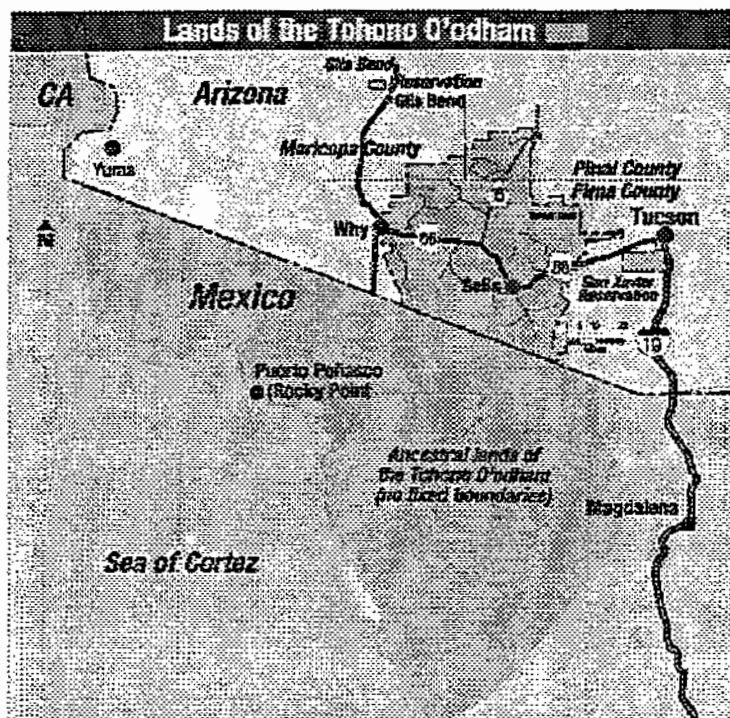
But with the U.S. government's efforts to curtail waves of illegal immigration and drug smuggling from Mexico, the nation's people have become stuck in the middle of the border battle, tribal leaders say.

"People are scared because they don't have documents. Some of them are born in the U.S. but cannot prove it," said vice chair Henry Ramón. "They have relatives - brothers, sisters and parents - on the other side, and they haven't seen them in years. It's just too scary for them."

About 7,000 of the 24,000 tribe members were born in the United States but cannot prove it, according to the tribe. Until the mid-1980s, most tribal members were born at home. In O'odham tradition, the births were not recorded in writing, but remembered by elders, who related them to significant moments, such as droughts or rains.

Without birth certificates, some cannot obtain Social Security numbers. Others cannot work. Others cannot receive retirement or veterans benefits, cash checks, travel or obtain a driver's license, tribal leaders say.

With the border crackdown, the 1,400 tribal members who live in 12 traditional communities south of the border are subject to arrest and deportation for traveling north to Sells, the tribe's headquarters.



The tribe is asking Congress to recognize a tribal identification card as the only necessary piece of identification for tribal members to cross the border.

In a Chevrolet Suburban emblazoned with the tribal seal, 42-year-old Lavern José travels south to the tiny community of Pozo Verde along the dirt road that runs from the San Miguel border crossing - an unofficial port of entry the tribe has used for generations.

José, who shuttles the nation's sick, disabled and elderly to the U.S. side of the border for medical care, said Border Patrol agents have questioned and detained her when she re-enters the United States by crossing the cattle guard at San Miguel.

She said agents have accused her of hauling guns and smuggling people.

The agents ask, "How much do you get paid? How much do they pay you?" José said. "They don't know the area; they don't know the history. They simply think we're all Mexicans."

Clyde Benzenhoefer, the Border Patrol's liaison to the Tohono O'odham Nation, said the agency has taken steps to educate agents about the tribe, whose Mexican members have been subject to arrest and deportation on the U.S. side even if they don't leave the reservation.

"The Border Patrol has always worked very closely with the nation," he said. "And we do our best to be culturally sensitive to citizens south of the border."

In 1999, the tribe, the Immigration and Naturalization Service and Mexican officials worked together to secure Mexican passports and border crossing cards for about 100 O'odham living in Mexico. The agencies are in the process of expanding the program.

Yet, like José, many members say the paperwork should not be necessary.

"Because they live on this side, they are not considered O'odham," José said. "They speak O'odham. They have relatives who live in the U.S. who are close kin to them. They are full-blooded O'odham."

In Pozo Verde just south of the border, José visited Julia Garcia, who cares for her 85-year-old mother in a small cluster of homes in the remote Sonoran desert.

Garcia's ailing mother, Mary Bustamante, was among the first Mexican tribal members to obtain a temporary travel visa for trips to the health center in Sells.

As a warm desert wind blew through Garcia's kitchen, she said the border situation has complicated her life in recent years.

"It's hard," said Garcia, 50, who has cousins on the U.S. side. "The (U.S. government) consider us Mexican because we live on this side," she said in traditional O'odham language. "We are separated from our families."

In the 18th century, the tribal territory was bordered by the Colorado, Gila and San Pedro rivers and the Sea of Cortez. The O'odham were under Spanish rule in the colonial era, then became a part of Mexico when that country declared independence from Spain in 1821.



David Garcia holds up the new Tohono O'odham tribal identity card, complete with a hologram.

With the Gadsden Purchase of 1853, the United States bought nearly 30,000 square miles in southern Arizona and New Mexico, and the tribal territory was split between two countries.

In a recent letter to Congress, the O'odham state, "Our nation is divided. Our families are separated. We cannot visit the sacred places where our ancestors rest. We cannot freely

exercise our religious practices. Under present law, some of us are subject to arrest, prosecution, incarceration and deportation because we do not have documents." The nation's situation is an "unintended consequence" of the border policy, Cowan said.

On the U.S.-Canada border, Northern American Indians whose tribal territories are near the border have the same rights as U.S. citizens to work and travel freely between the countries because of a treaty that dates back hundreds of years.

Narcho, who was born in South Tucson but has no record of her birth except a baptismal certificate, is in the process of applying for a delayed birth certificate.

A devout Catholic, she hopes to someday visit Rome.

"I've always had a dream of standing in the Basilica when the Pope comes out," she said.

But because Narcho does not yet have a birth certificate, which she needs to obtain a passport, "That may remain a dream," she said.

Narcho is among the group of tribal members leaving for Washington tomorrow to campaign on behalf of the tribe.

"I hope we get this amended so our people can come and go as needed. It's just really unfair that we have to go through this on our own land."

#### **FACTS ABOUT THE O'ODHAM NATION:**

- 75 miles of reservation is contiguous to the border.
- 12 O'odham communities lie south of the border.
- 1,400 enrolled members are Mexican O'odham.
- About 7,000 of the 24,000 tribe members were born in the United States but cannot prove it.
- The nation is in a land base the size of Connecticut. It is the second-largest reservation in the United States.
- Traditional O'odham lands extend from Phoenix south to Hermosillo, Sonora, and west to the Gulf of California.
- The languages spoken by the tribe include O'odham, Spanish and English.
- The tribe was formally recognized as a sovereign American Indian Nation in 1937.

## Nation Divided



Jeffrey Scott / Staff

*Pablo Lewis holds a photo of him as a young GI. But he can't prove his citizenship, because he was born on O'odham land in Mexico. Story, A8.*

**By Carmen Duarte**

ARIZONA DAILY STAR Tucson, Arizona Wednesday, 30 May 2001

A delegation of Tohono O'odham is leaving Saturday for Washington, D.C., to seek U.S. citizenship for 8,400 tribal members.

Tribal officials want the U.S. government to amend the Immigration and Nationality Act of 1952 to make all enrolled tribal members U.S. citizens. Under the amended act, the tribal membership card would serve as proof of citizenship or a birth certificate.

"The federal government needs to right a wrong committed in 1853, when our traditional lands were divided between Mexico and the United States," Tribal Vice Chairman Henry Ramon said.

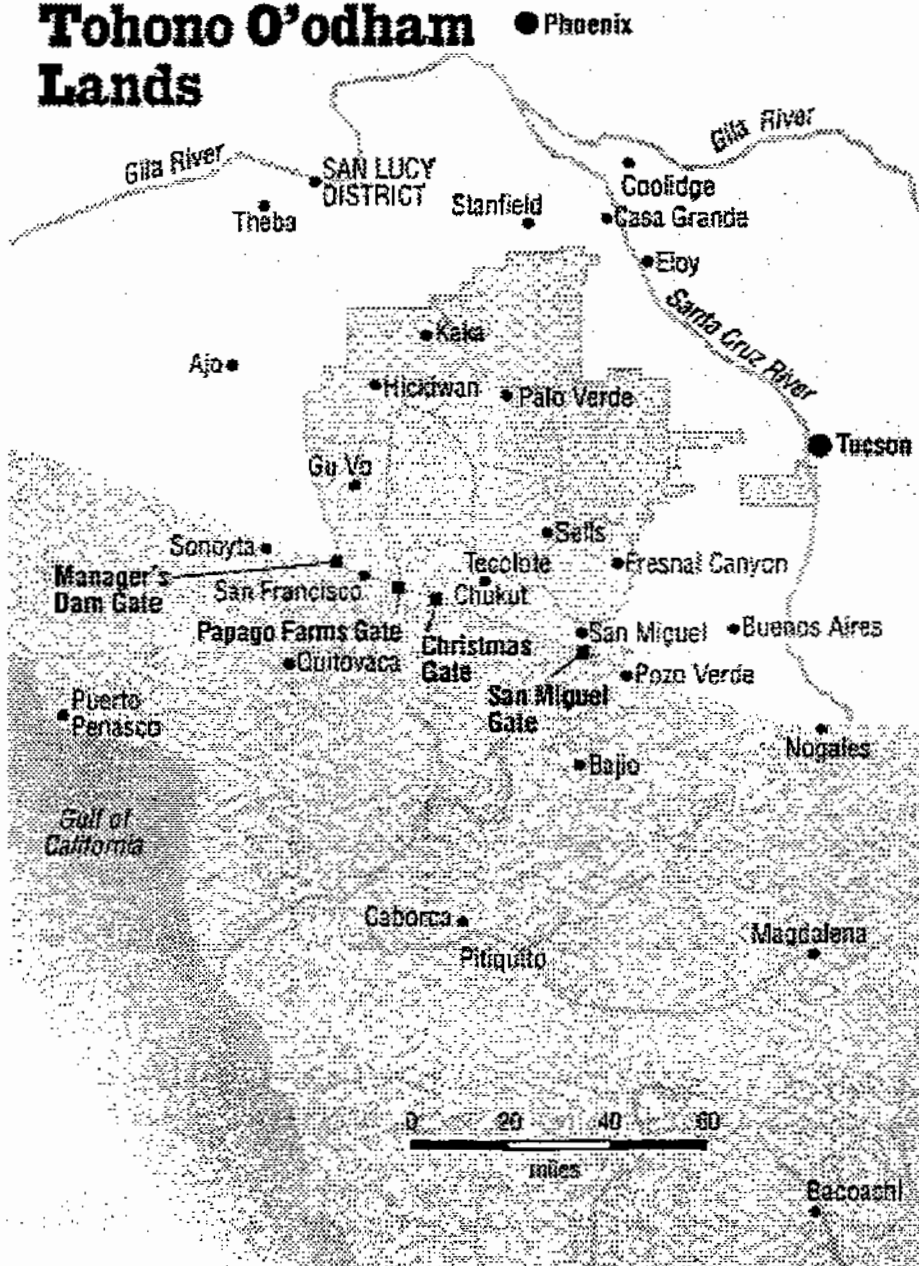
American Indians who live along the U.S.-Canadian border were given dual citizenship through treaties hundreds of years ago and have not faced separation from their people. They travel freely between both countries.

This was not done for the Tohono O'odham, Ramon said. "I am very confident that the politicians will listen to us and make it right."

The border, tribal officials say, is causing hardship for 8,400 members on both sides of it - most of them with no birth certificates to prove citizenship. The tribe has 24,000 enrolled members.



# Tohono O'odham Lands



Dave Castelan / Staff

It's an ongoing problem that began intensifying in 1986 with changes in U.S. immigration laws and with beefed-up drug enforcement along 75 miles of Tohono O'odham land that abuts the border in remote desert.

For decades, with the blessing of the U.S. government, Tohono O'odham members in both countries were allowed to cross the border freely to work, participate in religious ceremonies, keep medical appointments in Sells and visit relatives.

As the border crossings became more difficult, families stopped making their routine trips. For some, health or family emergencies were worth the risk of dealing with U.S. Border Patrol agents, jail time and the confiscation of their vehicles.

In 1999, a pilot program between Mexico and U.S. immigration officials led to Mexican passports and U.S. border-crossing cards for 100 enrolled tribal members in Mexico.

That led the tribe's Legislative Council last year to allocate \$102,310 to pay for the remaining 1,238 Mexican passports and U.S. border-crossing cards for Tohono O'odham in Mexico.

Immigration officials on both sides of the border worked together to make this happen - waiving certain documents, and using tribal rolls to meet requirements.

But this did not solve the problems in three situations: O'odham living in the United States who are Mexican-born; O'odham born in the United States who cannot prove it; and O'odham children who qualify for dual citizenship but don't have it.

"I am very confident that the politicians will listen to us and make it right," Ramon says.

Arizona Democratic U.S. Rep. Ed Pastor welcomes Ramon and the delegation to the Capitol.

"I think something needs to be done, but I think it will be a difficult road," said Pastor, adding that some politicians think U.S. immigration laws are already too lax.

"I will work with them to try to help them achieve their goal," Pastor said.

For centuries, said Ramon, Tohono O'odham, which means "desert people," lived on their traditional lands - lands that stretched from Phoenix south to Hermosillo, Sonora, and west to the Gulf of California.

The Tohono O'odham Nation's capital is Sells, which is about 60 miles west of Tucson. The reservation is about the size of Connecticut and includes 11 districts.

The Tohono O'odham lived there long before it was part of New Spain, and later, Mexico, after its independence was won in 1821.

The Gila River was the boundary between Mexico and the United States in 1848, when Mexico ceded the land north of it.

To contact your congressman:  
You can contact your congressman or senator to voice your opinion on the issue at the following numbers:  
\* Sen. John McCain (Republican) at (202) 224-2235 or 670-6334  
\* Sen. Jon Kyl (R) at (202) 224-4521 or 575-8633  
\* Rep. Jim Kolbe (R) at (202) 225-2542 or 881-3588  
\* Rep. Ed Pastor (Democrat) at (202) 225-4065 or 624-9986

The river remained the international boundary until Congress ratified the Gadsden Purchase of the southern portions of New Mexico and Arizona in 1854.

Politicians did not take the Tohono O'odham into consideration when lines were drawn in 1853, dividing the tribe's traditional lands, said Ramon, 66, who was born in the Hicquiwan District, where he grew up farming. He later became an auto mechanic, served in the Korean War, studied at the University of Utah, worked as an alcoholism counselor and entered politics in 1972.

He said the Tohono O'odham should have been guaranteed U.S. citizenship when their lands were cut in half, such as what happened with American Indians who live along the U.S.-Canadian border.

Ramon said another historical oversight in extending citizenship to members occurred in 1937, when Congress formally recognized the Tohono O'odham Nation as an indigenous sovereign government. It was then the U.S. government took a census on both sides of the border and enrolled members based on O'odham blood, not on country of residency, birth or citizenship. This census was the basis for tribal recognition.

Ramon and 66-year-old Maria Jesus Romo-Robles, an enrolled member who was born in and lives in Sonoyta, Sonora, are among the delegation's members, who will share stories with Capitol Hill politicians.

Romo-Robles and Ramon remember as children an open border with families crossing freely - no visas or birth certificates required.

Ramon remembers as a young boy stories about federal U.S. buses traveling into Mexico and picking up and bringing O'odham children to schools in Arizona.

"My father used to cross and work as a laborer at the mine in Ajo," said Romo-Robles. "He also was a vendor and would bring and sell fruit, cheese and wine to families."

Today, Romo-Robles has seven children - all tribal members - living in Eloy and the Phoenix area, working in construction, agriculture, a clothing factory and a restaurant.

One son works for the tribe in the San Lucy District, where he irrigates cotton, melon and wheat fields.

#### Affected tribal members

The four groups of Tohono O'odham affected by the U.S.-Mexico border and laws that define nationality are:

\* About 7,000 members who were born in the United States, but who do not have documents to obtain birth certificates. Some of these people cannot get Social Security numbers, retirement benefits, veterans' benefits, widows' benefits, a driver's license or a passport.

\* About 1,400 members who were born in Mexico and still live there.

\* Members born in Mexico who now live illegally in the United States. Several hundred of this group are included in the tally of 7,000 affected members.

\* Members born in Mexico of parents who are U.S. citizens, but whose parents cannot prove it. These members live illegally in the United States but qualify for dual citizenship. This number also is included in the 7,000 affected members.

They are all living in the United States illegally. For years, Romo-Robles could not cross and see her children, grandchildren and great-grandchildren because she feared prosecution.

When she was sick with gallbladder and bladder disease, she crossed through an opening in the barbed-wire fence to go to the Sells hospital.

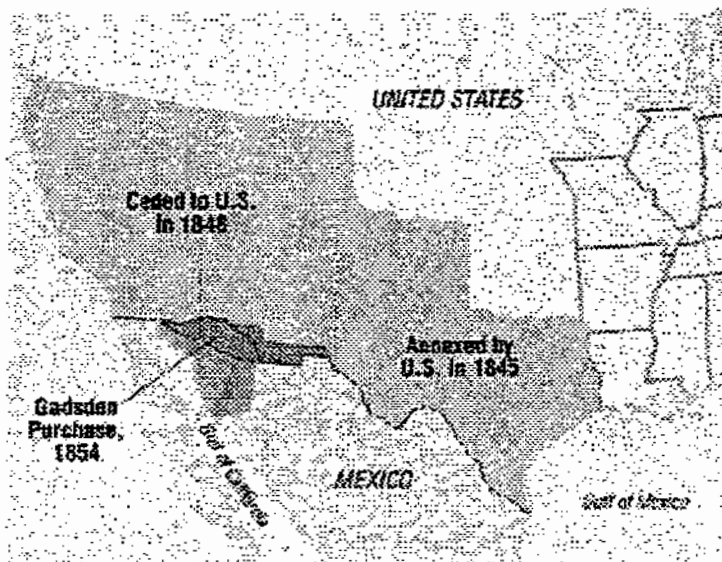
Romo-Robles spent many holidays alone, because her children moved north for a better life.

"They say this land is ours, but they don't treat us like it is ours," she said.

"I want Congress to help my people," said Romo-Robles who left for the federal capital last week - a first in leaving her traditional O'odham lands.

"I'm ready to stand up for my nation and my children. They are my treasures. I love them dearly," she said.

\* Contact Carmen Duarte at 573-4195 or at [cduarte@astarnet.com](mailto:cduarte@astarnet.com).



## 156 years later, a land divided

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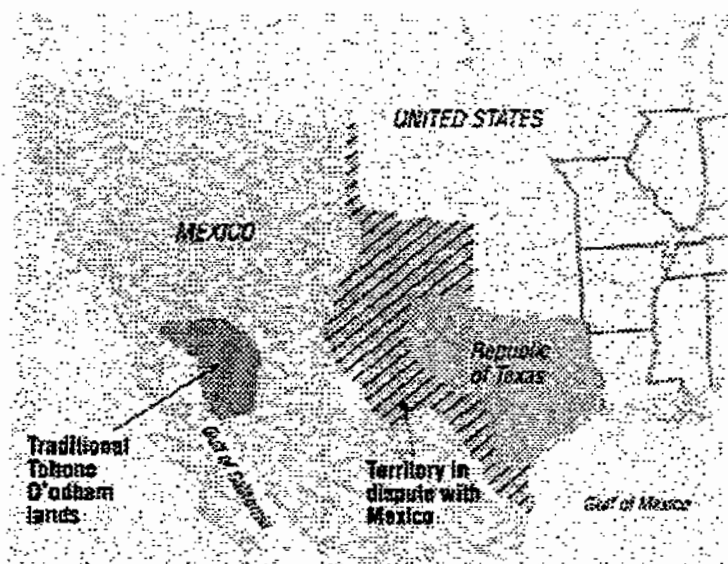
*1845: Westward expansion of the U.S., and its relations with Mexico, would shape the future of Tohono O'odham traditional lands.*

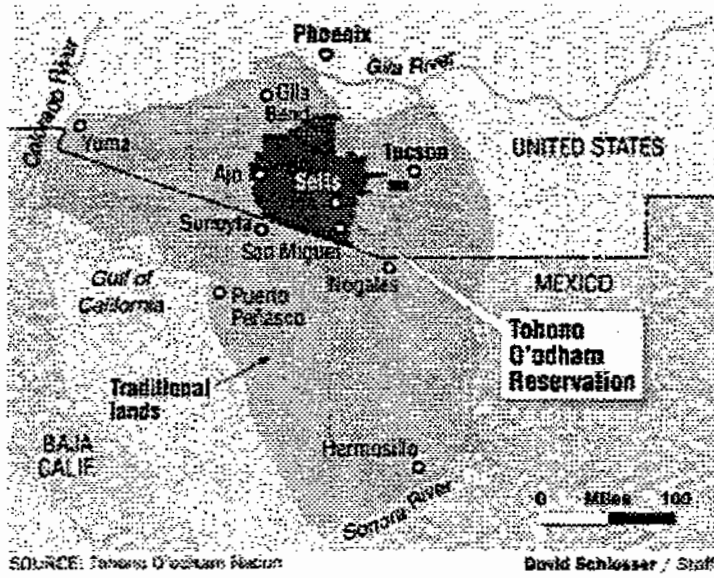
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*1845-54: With the Gadsden Purchase in 1854, the U.S.-Mexico border was redrawn and O'odham lands were split between countries.*

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1937: Congress recognizes the Tohono O'odham Nation as a sovereign government and establishes a formal boundary on the U.S. side - approximately 5,500 square miles.

## George Ignacio

### Undocumented member, subject to arrest, prosecution and deportation

You remember what your father tells you. He is talking to you. Word of mouth, that is our O'odham way, our tradition.

My father told me that in 1937 the United States recognized my nation, the Tohono O'odham Nation, as a sovereign government. My dad was the first chairman elected after this new relationship was formed. My father, my mother, myself and five of my brothers and sisters were born south of the U.S.-Mexico boundary. Although my father was chairman of the Tohono O'odham Nation, in your words, he was an "illegal alien."

My family has always been involved in our nation, both north and south of the boundary. My grandfather, Vicente Bustamante, was the governor of Pozo Verde to the south.

In the mid-1920s, when I was a couple of years old, my father brought our family to Sells on my nation's lands. There were no schools where we were living, so we came north. My father wanted us to have a good education.

My father was a welder and he worked in the construction of dams all over Arizona. When the Depression happened, the companies would hire men and then lay them off. When my dad would get laid off we would head south. We would go live in Pozo Verde and Bajio. We had no problem going back and forth, north to south and south to north. These are our lands. O'odham have always traveled north to south to north to visit the sacred mountains, to care for the graves of our ancestors, to gather our traditional medicines and the bear grass for our baskets.

One day, my father, my grandfather and I went out looking for wood. We went in my dad's little Chevy. My grandfather carried a .22 rifle. The Mexican army started to chase us. They were on horseback. I was riding on top of the wood and I remember my grandfather waving that rifle around. Finally, my dad stopped and he and Grandfather talked to the Mexicans, "We are O'odham, we are on our land." Then the Mexicans rode away. My father and grandfather felt that way then. I feel the same way today.

After the Depression, I went to school at the Haskell Indian Institute in Lawrence, Kan., and graduated with a vocational arts degree in 1943. I was a good welder just like my dad. My first welding job was working for the U.S. government on my nation's lands and then later on the Navajo Nation.



Jeffry Scott / Staff  
*George Ignacio holds a portrait of his father, the first O'odham tribal chairman, who, like Ignacio, was born in Mexico.*

In 1953, I married my childhood sweetheart, Minnie Katherine Ruiz. Minnie was born in Hermosillo and I had my eye on her for a long time, since we were kids. Minnie's family lived some of the time in Hermosillo (where she was born) and some of the time in Buenos Aires, north of the boundary. Minnie's brothers worked on WPA (Works Projects Administration) projects.

Soon after we married, we moved to Ajo. I worked in the mine for 27 years as a journeyman welder. Both Minnie and I had family working in the mine. Those were good years. Minnie and I have seven children, 13 grandchildren and three great-grandchildren, all born north of the boundary. My oldest son was an ordnance expert behind the Iron Curtain. One of my nephews won the Purple Heart in Vietnam. One of my granddaughters served in the Marines in Germany.

After I retired, Minnie and I moved to Sells, the capital of our nation. So much has changed. Right now, there is so much confusion with Mexico and the United States. We are not Americans, we are not Mexicans, we are O'odham. They do not want to recognize that we have been here for millions of years. We are a nation. It makes me feel bad when we are called "illegal aliens." It is degrading. I mean, it makes us out to be subhuman. I feel for everyone who goes through this. I know, I am going through this, too.

When I was a little boy in school, we were taught to see through little windows. We were taught about George Washington and all of the presidents of the United States. I admired all these men. At that time, I did not know that this was not the whole story. Now I know.

I am not an illegal alien. I have a right to be here on my O'odham land. I am O'odham.

I hear my father and my grandfather. They are talking to me. They say to me, just like they told the Mexican army that day so long ago, "We are O'odham, we are on our land."



## Ed Kisto



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*Kisto is depicted in the painting behind him showing him on his ranch and also showing a ghostly Indian rising from Baboquivari Peak, which is sacred to the Tohono O'odham. Kisto, a World War II veteran, recently was refused permission to travel abroad because he does not have a birth certificate or passport.*

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**Photos by Jeffrey Scott / Staff**

*Ed Kisto's ranch sprawls out from Fresnal Canyon, near Baboquivari Peak on Tohono O'odham land about 20 miles north of the U.S.-Mexico border. But he doesn't have documents to prove he was born here, so he's considered an illegal immigrant.*

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### **American citizen unable to document birth in the United States, subject to arrest, prosecution and deportation**

A couple of years ago, I was invited to go to Italy and the Vatican by the family of Father Kino. I was real happy to be invited. I felt it was a real honor. Father Kino is a legend in our neck of the woods. I have a lot of respect for Father Kino and what he did for our people. My father said that Father Kino told the United States to leave us Papagos alone.

People in Caborca, south of the U.S.-Mexico boundary, organized the trip. Father Kino's family offered to pay for my expenses. I was all ready to go and they called and told me that they would not approve my trip because I did not have a birth certificate. I was told I

could not get a United States passport. Five or six other people went. They were from Mexico and traveled with Mexican passports.

I was real disappointed. I was hurt. I thought my baptism and my discharge papers from the United States Navy would be enough. My baptism and my discharge papers were not enough, so I did not get to go. This really seemed strange to me, because they did not ask me for a birth certificate when I enlisted in the Navy right after the Japanese bombed Pearl Harbor in 1941. I enlisted right after the war broke out.

I served on a destroyer in the South Pacific. I was there when the United States dropped the atomic bomb. I was a seaman first class.

After the war I came home.

Home is Fresnal Canyon on the lands of of my nation, the Tohono O'odham Nation. I was born at home in Fresnal Canyon somewhere around 1925, give or take. My baptism says 1925, but I remember when the priest at San Xavier poured the holy water on my head. I was in a tub, so I must have been a little bit older because I remember that.

Over the years I have come and gone, but today I live at a ranch just two or three miles from the house where I was born.

My mother had three brothers and sisters, and they all lived in Fresnal Canyon. My dad was born in the traditional O'odham community of Quitovaca, south of the boundary. My father worked building the railroad and then he bought a wagon in Tucson and crossed back and forth selling groceries. My family would always travel back and forth across the boundary to Caborca and Quitovaca without any trouble. My mother was a good midwife, and she delivered many babies. That was our way.

I have done a lot in my lifetime. I went to war. I served on the Tohono O'odham Legislative Council for 20 years, the O'odham equivalent of your United States Congress, and I was a judge on the Tohono O'odham Court.

One thing I did not get to do was go to Italy, to the Vatican and to meet Father Kino's family. I am still disappointed. I am still hurt.

The Tohono O'odham were the first people here. We should have the right to go anywhere we want without a birth certificate. Our Tohono O'odham enrollment card should be enough.

## **Maria Jesus Romo-Robles**

### **Member residing south of the boundary**

It is sad not to be able to enter our own lands of our Tohono O'odham Nation. They say these are our lands, but only God knows if they will truly ever let us pass freely.

In 1935, I was born in Sonoyta, south of the U.S.-Mexico boundary, and have lived here all my life.

We used to be able to cross back and forth without any difficulty. My father worked in the mine in Ajo. We would even go to the movies in Ajo. Then the boundary changed.

One summer day in 1998, I got sick. I had been going to the doctor at the hospital on my nation's lands north of the boundary for a few weeks, but this day I really felt bad. A worker from my nation's health department picked me up to go to the hospital. The U.S. immigration agent would not let us cross the boundary. We had to enter through our nation's lands. I was afraid. I started to cry. I felt bad. Why do they treat us O'odham like this?

For more than two years I did not return north, and then I got sick again. I live alone. I went to tell my neighbor that I was sick and when she opened her door, she found me unconscious on the step. I awoke in a clinic in Sonoyta. The doctors here sent me to the hospital on my nation's lands to the north. My children came for me and took me through our nation's lands. I was hospitalized for several days.

It was dangerous for my children to come for me. They live north of the boundary without documents. My children have lived north of the boundary for almost 10 years. Some of them work for our nation. As a mother, I worry that something will happen to them. I do not want them to live in danger. I do not want them to be in hiding. I do not want them to live in fear.

The boundary has hurt me because I cannot see my children. If they become ill, I cannot care for them. They cannot come and see me, because they cannot care for them. They cannot come and see me because they cannot safely return north. I love them very much. I adore them all. I want to be with them. What happens to them hurts me.

I will die soon. I ask Congress to change the law for my children, my grandchildren and my great-grandchildren. I ask you to bring our O'odham family together.



*Maria Jesus Romo-Robles traveled freely across the border from Sonoyta, Sonora, until 1998, when U.S. officials turned her back. Since then, she's had to cross illegally for good medical care.*

## **About the personal stories**

The personal stories in the section above are the authors' own words and are taken from the manuscript, "It Is Not Our Fault - The Case for Amending Present Nationality Law to Make All Members of the Tohono O'odham Nation United States Citizens, Now and Forever." The book was published by the Tohono O'odham Nation and was edited by Guadalupe Castillo and Margo Cowan. The stories are reprinted with the nation's permission.

# Tohono O'odham want citizenship for members in Mexico

*Tribe welcomed Europeans, ironically no longer free*

SAN MIGUEL, Ariz. (AP) — Four times each week Lavern Jose, a self-proclaimed Tohono O'odham woman, ferries tribal members over a remote cattle guard that's also traveled by drug smugglers and illegal border-crossers.

But Jose, there, is no moral dilemma over breaking the law to bring people from Mexico — most of them elderly or needing medical care — to their tribal hospital in Sells.

"It makes no sense not to take them," she said.

That's why the Tohono O'odham people will soon ask the U.S. government to help fund an old division, said Margo Cowan, general counsel for the tribe.

The barbed-wire-and-wood fence at San Miguel, broken only by the cattle guard, splits the traditional homelands of the Tohono O'odham between the United States and Mexico.

About 1,300 of the tribe's 24,000 enrolled members live on the Mexican side. The tribal government hopes Congress will grant all of them U.S. citizenship — something that the Texas Kickapoo Tribe achieved for a limited number of its Mexican members in the 1980s.

Tohono O'odham officials will also ask Congress for a

passport waiver, to allow a tribal enrollment card to be proof of citizenship.

Jose, 42, is a U.S. citizen who lives in a border village. But many of the people she drives to the tribal capital of Sells, 25 miles north of the border, live in Mexico. They don't have travel visas, passports or even birth certificates, further placing them at risk of deportation or arrest.

"Our Mexican members are considered aliens, and yet they are members of the Tohono O'odham Nation," said Tribal Vice Chairman Henry Ramon. "They get Indian Health Services benefits — they have that right, but they can't come across the border for a lack of documents."

Tribal leaders trace the problem to a historical oversight dating back 147 years to the Gadsden Purchase, when the U.S. bought 30,000 square miles of land from Mexico, including Tucson and most of Southern Arizona. That purchase did not account for the needs of indigenous residents, Cowan said.

"The O'odham welcomed the Europeans and indeed it's ironic they are not free in their own lands anymore", Cowan said.

The U.S. did not address the citizenship issue when it officially recognized the Tohono O'odham as a tribe in the 1930s, she added.

While Indigenous Canadians are free to roam across the U.S.-Canada international boundary, the treaties that protect those tribes don't apply to Mexico.

## WHAT'S HAPPENING TO

### THE O'ODHAM PEOPLE

### COULDN'T HAVE BEEN

### INTENDED BECAUSE IT'S

### JUST BEYOND THE PALE,"

### SAID MARGO COWAN,

### GENERAL COUNSEL

### FOR THE TRIBE.

"What's happening to the O'odham people couldn't have been intended because it's just beyond the pale," Cowan said.

As a stopgap measure while the tribe pushes for the larger fix, it is working with the U.S. Immigration and Naturalization Service, Mexican authorities and the U.S.

Consulate in Nogales to obtain U.S. travel visas for its members who live south of the border.

Last year, 104 members were issued renewable B1/H2 travel visas — known as "laser visas" — in a \$10,000 pilot program. The tribe hopes to convince its 11 districts to approve an additional \$100,000 appropriation to get visas for the remaining undocumented Mexican members. Those members include 64-year-old Alicia Bustamante, who has had heart bypass surgery and often needs medical attention in Sells. Bustamante, whose small stucco home sits in Mexico and faces the Tohono O'odham's sacred Baboquivari Peak in Arizona, does not consider herself Mexican, she said recently. She speaks only English and O'odham.

One of the members who received a priority visa last year was 100-year-old Luis Juan, who lives on the Mexican side in the village of Cumalito. Juan was in a car with Jose a little more than a year ago when two officers from an unknown agency pulled guns on them until they produced proof of tribal membership, they said.

Juan recalled that before getting his visa, he was turned back from the border while driving with his nephew. He said it was because of their Spanish names.

Jose said she is frequently questioned and sometimes hassled by both Mexican and U.S. authorities during her trips. The questioning intensified over the past couple of years, Jose said, as more U.S. Border Patrol agents were sent to monitor the 75 miles of the reservation's border with Mexico.

"The border is a reality," responded Sean Murphy, a U.S. consul in Nogales, Sonora, "and a number of officials on both sides have worked on this in a spirit of goodwill to attempt to find a reasonable solution to this problem within the confines of the law."

Murphy said the process of getting a U.S. laser visa under American law requires obtaining a Mexican passport, which is why Mexican authorities were also involved.

The Tohono O'odham visa program has been successful enough that it is now being used as a model for San Diego's Kumeyaay Tribe, which also has members living in Mexico, Murphy said.