I am O’odham and draw from my experiences with O’odham elders who have discussed their feelings about O’odham existence and expressed how we may continue practicing our way of life. O’odham life ways called “Himdag” have sustained us since time immemorial and even if we have lost much, exercising the small amount remaining will carry us forward as O’odham people.

To avoid an abstract discussion of language loss, I choose to tie the abstract to the personal and to my lived experience and that of my O’odham relatives. I tie my personal story and that of my family to anchor our reality in the broader matters of which I speak. O’odham language cannot be discussed apart from personal story and history. Language is for, about, and of the people. Thus, I use my personal voice in the italicized single spaced text to connect personal story to underscore the reality of our language loss; my only regret is that I cannot communicate this to you in O’odham. As I say often when I speak, when I use English, I feel as if I am lying because there is no feeling in my utterances of the colonists’ languages.

A. Land and Cultural Matrix

Law continues to advance the way O’odham language is becoming unattached to the cultural matrix of the people’s ancestral aboriginal landscape. This detachment affects their survival. It is my contention that the Department of Homeland Security (DHS) and Mexican border enforcement and government restrictions contravene the 2007 United Nations Declaration on the Rights of Indigenous Peoples which provides in Article 13 and 14:

Indigenous peoples have the right to revitalize, use, develop and transmit to
future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

All Indigenous peoples also have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

The Declaration also provides in Article 14.3 for Indigenous children living outside their communities to be provided access to education about their own culture and in their own language. Arizona has declared its exterior boundaries as an English only state.

I seek to trace the relationship of land, law, and policy to language loss. It is my goal to assist in making these connections explicit in these times so that the survival of O'odham and other Indigenous languages may be assured. In this essay, I identify threats, both past and continuing as well as new and emerging ones. In Section II, I begin by discussing the essential idea of the connection of the land to language. Next, in Section III, I discuss how language has been restricted through the operation of both American and Mexican laws. In Section IV, I discuss how the restriction of O'odham mobility on the land has had a negative impact on language development. Finally, in Section V, I consider several health and social related impacts of militarization of the border that obstruct control of the land and therefore, language.

Descendents of the ancient Hohokam, the Tohono O'odham (formerly Papago) and Akimel O'odham (Pima) live throughout southern Arizona and northern Mexico. They speak O'odham, a branch of the Uto-Aztecan language family which extends as far north as Idaho and Utah, east to South Texas and southward into the Mexico City Valley. Tohono O'odham means Desert Indians and Akimel O'odham means River Indians. They are a youthful population and hold large U.S. Indian reservations. O'odham believe the Huhukam are their ancestors and that I'itoi a major O'odham god put them on the Sonora Desert contradicting American theories such as the Bering Strait theory. O'odham first encountered Europeans in the early 1500s.

B. Language Loss

All Indigenous languages in the U.S. are in danger of becoming extinct before the end of this century. There are four federally recognized O'odham reservations where the language is spoken. They are Tohono O'odham, Ak-Chin, Gila and Salt River Indian reservations in southwestern Arizona and northern Sonora, Mexico totaling approximately 49,000 in population. Within the past 80 years O'odham language use has shifted, and parts of their culture have been

1. ARIZ. CONST., art. 28, § 2.
forgotten or lost. *O'odham* harvested the salubrious natural fruits of the Sonoran desert, grew food by flash flood farming in the alluvial desert plains, gave chase to wild game on their hunting grounds, and held their natural water resources which maintained them.5

Over eight Indigenous languages have disappeared in Northwest Mexico because of the strategy Hernando Cortes introduced during the takeover of Tenochtitlan in 1521 against the Aztecs. That strategy was to use Indians to fight Indians.6 The fighting resulted in the loss of millions of Indian lives of Indian language speakers, and consequently, the disappearance of entire languages.

The in-fighting Cortes encouraged is not the only way in which Indigenous language loss occurred. The peoples’ genetic makeup could not resist diseases such as malaria, smallpox, and yellow fever brought by Europeans to this hemisphere. Largely as a result of these diseases, it is believed that 22 million Indian people disappeared between central Mexico and California within a period of 100 years.7 My research of others’ scholarship in epidemiology combined with my involvement in the Indigenous human rights movement for the protection of Indian ancestral remains from archaeological practices suggests to me that the Anasazi, *Huhukam*, and Mogollon did not just “vanish.” Rather, they are ancestors to Indigenous peoples. Millions of Indigenous Peoples were depopulated right after the arrival of Spanish explorers. Language loss is inevitable when devastating epidemics kill pandemic-like, creating shock and panic leading to suicides, starvation, dehydration, and lethal secondary infections in the absence of care. Indigenous peoples were so afflicted with disease that they could not provide care. Many just ran away because they thought that the epidemic was an evil being.8

A third factor that caused Indigenous language loss in northwestern Mexico was the evangelization of Indigenous peoples. By 1531 the Society of Jesus, the Jesuits sent by the king of Spain, encouraged Indian boys to eliminate Indigenous symbols and shrines. Five hundred temples were demolished with more than 20,000 representations of the gods.9 Jesuits learned Indigenous languages in their efforts to proselytize, but the written gospel and missals were not in *O'odham*. At one time the Indian vernacular became illegal, albeit impossible to stop. Under the law, Indians had to learn Spanish.10 During the American period, English also was learned in boarding schools, the public education system, and through the religious denominations who entered *O'odham* land.

Successive Spanish, Mexican, and U.S. current governmental control over

10. Id. at 130.
O'odham ancestral lands led to O'odham language and culture loss. On the North American plains where the Great Sioux Nation and Comanche live and the Eastern seaboard where the Six Nations Iroquois Confederacy live, the Indigenous universe is identified as language is spoken. Likewise O'odham children learn the names of plants and animals on the landscape. When land is lost or access to land is denied, use of the language and cultural practices is affected. Special words of the diversified fauna, geography, sacred sites, sacred secrets, and secret sites where specialized ceremonial cultural practices take place become lost because of disuse and constraint.

II. INDIGENOUS PEOPLES’ EXPRESSION OF WORLD VIEW ARE CONNECTED TO THE LAND

Tucson gets its name from my language, “Scukson” which means dark base. Three thousand or more years ago Scukson was an old Indian village located just west of downtown at the base of Tumamúc Hill. The village became Tucson, Arizona as European squatters moved in to occupy the area. If you stand and look at Tumamúc Hill from several miles on the north or south side of Tumamúc Hill, you will understand why O'odham call the hill Cemamak. The hill looks like a horned toad lizard which is what Cemamak means in O'odham. Surrounding Scukson are Frog, Turkey, Long Back and Coyote’s Ordure mountains. These names do not appear on any city or state maps of Arizona.

There is a connection between the land and the O'odham language. O'odham say O'odham are the Children of Mother Earth and as I'itoi’s conscripts they are caretakers of their homelands. They therefore believe they and their children are the “Perpetually Emerging from the Land” People. As surviving descendants of the Hohokam, they struggle alongside humanity and escaped the genocidal policies inflicted on them by colonial governments. Hopi Indians claim they emerged from their homelands, and the Lakota say they emerged from Wind Cave in the Black Hills of South Dakota. Lakota call their homelands, “Paha Sapa, the Black Hills,” and “the Heart of Mother Earth.” The Indians in South America refer to their homelands as “Pacha Mama” or Mother Earth and Central American Indigenous peoples call their homelands, “Abya Yala,” “Land of the Red Blood.” Navajos call their coal-rich homelands “the Liver of Mother Earth,” and O'odham identify a location in the sacred Baboquivari Mountain as “the navel of the world.”

Identifying the landscape with animate descriptions establishes an Indigenous extension to, and a relationship with, the living entity Mother Earth where O'odham live. From that descendant relationship, a cultural organization involving O'odham families and clans identify with animal affiliations. Coyote, badger and buzzard clan organizations are referred to as “brother” by O'odham, because in O'odham history, animals were kin and conversed with each other on the Tohono halidom. Since the ancient past, plants have had a special bond with O'odham in that they provide nurturance and curative agents. Specifically, plants are Indigenous peoples, and if O'odham do not engage with or employ them, they will leave and disappear. Therefore, O'odham culture is connected to the land because

11. The letter s in O'odham is pronounced as the "sh" sound in the English word shrew. The letter c in O'odham is pronounced as the "ch" sound in the English word church.
they believe they come from the land, they live off the land, and they are tied to sacred sites on the land. Living in harmony with Mother Earth in their aboriginal territory has allowed O'odham to survive, as a baby survives on its mother’s milk.

Contemporary Indigenous peoples continue to maintain some of their autochthonous traditions. An example is the belief that at the end of an O'odham’s life, life continues into another level to work with ancestors and relatives who are gone to help the living. From another place in the world the “heart” brings rains, fortune, and blessings to O’odham. As long as O’odham continue their traditional ways they will receive blessings from their ancestors’ spirits.

A. Language loss, Education, and Religion

When the U.S. Indian schooling began, O’odham were not able to teach their children their Indigenous ways in the schools, instead the children were forced to learn a culture devoid of O'odham subject matter. Compulsory U.S. government education laws are viewed with caution by O’odham as an attempt to make their children white by usurping O’odham language and resulting in the acquisition of negative European cultural practices. Alcohol related deaths are the number one health problem among American Indians today perhaps reflecting the dispirited mess of the loss of land culture and language. Sugar diabetes is a major health problem caused by the attraction to American cultural and dieting habits contrary to O’odham cultural practices. The youth are not taught enough about their traditional ways such that they seem foreign and so they think their cultural ways are funny and they laugh at them. Alcohol use as part of American culture and the American diet result in alcoholism and obesity, which were not present before the arrival of the colonial governments. O’odham want to strengthen their culture to improve their situation and to help one another because this has been a sound practice and has advanced their survival since time immemorial concomitant to what is taught in the schools on or off the reservations.

I was taken to Ochoa Elementary School to begin my education in 1-C, a whole year of school before first grade. I do not remember my teacher’s name but, she was an old white woman. I also remember my 1-C classmates, most of whom were Tohono O’odham, Ju:ckam Mexican Americans, Hi:hakim Yaqui Indians, and a couple of Chi:chino Chinese. At that time I had not recognized I was a Papago Indian, even though O’odham was my primary language. When I grew up and became bilingual, I learned as a teenager that I was an “Indian”, a different reality, but a more numerous and different type of person of color than O’odham.

On my first day of school at Ochoa Elementary we learned to pin a symmetrically folded square paper on to a paper straw. When the paper faces any wind or a person blows on the paper, the air causes the folded paper to spin in the wind. This particular learning exercise introduced me to the Mi:1gan American English word, “whirly gig.” I remember being in our family bedroom after school blowing on the whirly gig. I must have spoken the English word, “whirly gig,” so that my Hu’uli grandmother heard me from the kitchen and she quite obviously in reference to me said in O’odham, “there’s a Mi:1gan American in the house, throw

him out.” I felt embarrassed and immediately realized that I shouldn’t speak Mi:lgan American English in Hu’uli’s house because she did not understand the language. She has long passed away and I refuse to speak English to other O’odham in the houses where she raised me.

O’odham children are not taught their history in the educational institutions. O’odham learn about nature from their families, but their lives are spent dealing with a multicultural populous in Arizona as if they are “living in the belly of the beast.” Instead of returning home to help their people, often O’odham who obtain an advanced American education go where they can make more money. The role of an O’odham Himdag education is to respect O’odham ideology.

While growing up, I learned a lot from Ba’a, my grandfather who told me, “You secure an education, learn something and with that, help your senior O’odham people.” It was clear to me what he meant, but as I pondered my difficult times at Ochoa Elementary, the idea of a Mi:lgan American education seemed distant and out of my reach. Ba’a’s words would inspire me later when a Czechoslovakian counselor encouraged me to get all the education I could. I felt motivated to stay in school each time I recalled how Hu’uli died and how the U.S. Veterans Department insulted our culture by refusing to give Je:’eji my oldest uncle a soldier’s burial despite his military contribution building the Burma Road for the famous Merrill’s Marauders because his parents had married in the traditional O’odham custom. If they married in the Whiteman’s way then the V.A. would help. Je:’eji, was negligently killed by town authorities.

Just after the mid-1800s the American population numbered in the seventy millions while the Indians had been reduced to about one-tenth of that number. Concerned Christians and laity who were the “friends” of the Indian movement felt there would be a bad mark in American history if the U.S. government’s genocidal policy exterminated all the Indians, which they called the “Indian Problem.” Those involved in the education of Indian people saw foreigners coming to the U.S. and attaining citizenship, while Indians born in the U.S. were not considered natural born citizens, contradicting the 14th amendment to the U.S. Constitution, until Indians were recognized as citizens in 1924.

My Hu’uli’s brother a World War II veteran was my Hu’uli Ke:’li maternal grandfather who attended a Presbyterian boarding school in Tucson called Escuela.

Escuela, served many tribes from 1888–1960, including the O’odham. The school was located not far from my neighborhood which the locals call “Barrio Libre.” It seems there are more Catholic O’odham who speak O’odham than Presbyterian O’odham. Besides wanting the O’odham to settle, the Presbyterians wanted to develop a social consciousness in the students to return home as gate keepers and brokers for the church in order to gain more converts. Mormons and Baptists also came to the reservation. Escuela alumni expressed their satisfaction with the school despite home sicknesses, and or discovery that Escuela teachers and administrators were not without sin. O’odham Escuela graduates acquired leadership positions amidst a huge “conspiracy to destroy Indian languages and culture and became involved in the creation of the reservation boundaries, government organization and administration.”

14. Author’s personal observation.
15. Daniel Bruce Ferguson, The Escuela Experience: The Tucson Indian School in
religious leaders for practicing rainmaking ceremonies. A Catholic O'odham translator interpreted for the ceremonial leaders while the Presbyterian O'odham interpreted for the government prosecutors.

The Escuela O'odham alumni experienced adversity because of unequal bargaining positions between O'odham and powerful Christian backed opponents. O'odham leaders were forced into positions they may not have agreed to had there not been Indian brokers to create compromises. These O'odham brokers and gatekeepers who attained official positions sometimes gave up too much of O'odham resources.

Tohono O'odham Presbyterians managed to take control of the Tohono O'odham. Speaking in an interview, George tells his interviewer: "And then, out here, like they were saying, in those years, the Spaniards came first to this area and they convinced people that they had won all the O'odham to the Catholic religion, but it wasn't true. But these Christian people. . . very few in number. . . I read a little article one time, talking about that, 99%, not even 1% were Protestant of the Tohono Nation, but this one little section of Christian people were the leaders." The Presbyterian Church education produced O'odham who strongly identify themselves with church, placing them at a higher level of assimilation in comparison to the Catholic O'odham and traditional O'odham people. Some said they would not speak O'odham anymore even though they could understand the language. A female O'odham student was caught talking so the teacher put her on a high stool in the corner of the classroom and clipped a clothespin on her tongue for the duration of the class. At the end of class, she looked down at the front of her dress and saw a large puddle of her saliva.

The education of O'odham has had an interminable impact on O'odham language, culture, and beliefs. Language shift and switching discourse registers from O'odham to English or Spanish is a sign of the impact of education. The way O'odham culture is expressed nowadays has diversified among the people as well. Today official meetings on the O'odham reservation are conducted in English even though the official language of the reservation is O'odham. Some of the O'odham beliefs and legends are intermixed, blended or infixed with Christian stories. Disagreements and other differences arose in the O'odham communities as a result of religious doctrine about how to educate Indian children and two political factions resulted purporting to represent the O'odham government leadership. O'odham people were pressured to reject their language, religion and culture. In the boarding schools use of Indian languages were denied. Ceremonial practices were outlawed by the Indian Affairs Department.

By the 1920s Indian people had been herded onto Indian reservations under the allotment system. There was corruption, fraud, and a widespread pattern of tribal dispossession throughout Indian country. White families squatted on formerly O'odham lands in southeastern Arizona below the Gila River. Akimel O'odham in the Phoenix Valley had provided food from their farms to millions of itinerants.

16. Id. at 120.
18. Ferguson, supra note 15.
passing through headed for California and the Pacific Northwest, as well as protection from bandits and Apaches. Akimel O'odham were not planting any acreage in later years because of the damning and diversion of the Gila River upstream by white farmers as a result of racist state and federal legislation which provided water to white farming interests at the expense of downstream Indian reservations. The acts of the American Bureau of Reclamation forced Akimel O'odham to sell firewood and their cattle because their water supply had been terminated.

American politicians wanted to "save" Indians from extinction by detribalizing them through education and making them citizens. Saving Indians through an educational process meant different strategies among the politicians who represented the many sectors of the white political world wanting Indian land. Indian schools opened throughout Indian country and Phoenix Indian School (P.I.S.) was established in Arizona. P.I.S. was built to "Americanize" Indians living near Phoenix because outsiders considered Indian traditional culture a means to create a valueless, immoral, and degraded lifestyle. The pressure for establishing P.I.S. arose because business people wanted to increase their citrus industry. Entrepreneurs wanted cheap Indian labor from the boarding school to develop real estate and canal construction. On the other hand, ex-territorial Arizona Congressman, Charles D. Poston wrote a letter to the Commissioner of Indian Affairs objecting to the school construction stating that it would, "increase the number of Indian drunkards and prostitutes" in town. Indians from Arizona were sent to participate in the U.S. Indian Service assimilation program. P.I.S. was shaped in response to the beliefs of upper American society, "friends" of the Indians whose thinking was imbedded in the notions of ethnocentrism, individualism, patriotism, and Darwinism. At the government's expense fifty-one O'odham children were sent to Indian boarding schools throughout the U.S. No return travel home was provided until the end of their education, which sometimes lasted nine years. If Indian parents wanted their children to come home, they had to provide the fees although many were not allowed to leave school. Indian Commissioner Morgan's inaugural words at P.I.S. on October 12, 1890 were that it is: "cheaper to educate Indians than to kill them." His words were the sentiments of some of the members of the friends of the Indian associations. Morgan felt the white people in Phoenix wanted the Indian school to exploit the young Indian people. The school's early slogan was, "Be a Phoenix Indian, not a Reservation Bum."

At the same time, Indian families were starving on Indian reservations because government food rations were not delivered due to government corruption in the administration of the reservation system. Indian boarding school children therefore were happy to stay and survive at the boarding schools. In order to assimilate Indian children different practices were utilized to make them forget their Indigenousness. They were not reminded that they were Indian children. They were

21. Id.
22. Id.
made to celebrate the American flag and inauguration dates of Indian legislative programs geared toward their Americanization. These loyalty training practices laid the foundation for thousands of young Indians to join the American military during the World Wars up to the present time.

A few weeks after P.I.S. opened, local farms began asking the school superintendent for workers to help harvest their fields. When the superintendent realized that the sedentary and semi-sedentary living practices of O'odham could accommodate the capitalist industrial economic system growing in the Southwest, he began to hire out the Indian students. Young Indian girls were placed in white family homes to perform domestic work in exchange for their board, care and instruction. This training was called the “outing system” to promote Anglo standards of social behavior and marriage guidance. Other Indian children were hired by cotton farmers because as one Indian Bureau official stated, “the Southwest Indian child can pick cotton just as well as any picanniny black child.” The “outing system” at P.I.S. began to create competition against white workers.

My mother had attended the same Catholic school I later abandoned. O’odham children a generation before her also attended the same boarding school. She was taught how to make shirts, iron clothes, and do domestic work. One day the students were forced to watch a padre bullwhip three O’odham boys who tried to run away from the boarding school. I now see that the government and church schools were preparing our Indian parents to dispose of the white man’s shit work that poor immigrant populations who come to North America do nowadays.

“On one occasion white bricklayers walked off the job when the Indian schoolboys were hired. The school superintendent decided to find jobs whites were unwilling to take. There was no need for Indian workers except for fieldwork and service work.”25 There were many runaways because of the “transplant shock” young Indian people experienced at the boarding school. Many people were homesick, depressed, felt mistreated by the people in charge of the school, and were not used to the military style of the boarding school.26 School superintendent, Harwood Hall, had created a crowded P.I.S. to the point that it was unhealthy for the young people.

By the time I reached the ninth grade I was sent to a Catholic boarding school near Phoenix, Arizona with a distant cousin and another O’odham friend. Both are no longer alive. I had to leave the O’odham neighborhood in Tucson or go to reform school. The two O’odham who went to the school with me finished the school year but, I abandoned the campus about a week after school began. Before I left school, I told one of the padres that I was leaving. He said to catch a ride into Phoenix on the supply truck. I put my suit case in the bed of the truck and got off at the Greyhound depot to ride the bus to Tucson, Arizona.

I didn’t stay at the Catholic school because the water was brackish, the dormitory was humid and populated with frogs, mosquitoes, and insects. Meals were bland and distasteful government commodity rations. Nuns were strict and wanted to strike student’s hands with ruler edges. The older Indian male students wanted to bully younger male students. What also disturbed me about the school was that we

25. TRENNERT, supra note 20, at 70.
had to pray about 10 times a day. I never learned the “Our Father” or the “Hail Mary.”

According to Ales Hrdlicka’s medical observations of Indians in the southwestern United States and northern Mexico during the years 1898–1905:

... The health of the Southwestern and North Mexican uncivilized Indians is superior to that of the whites living in larger communities. The advantage of the Indian lies principally in the greater freedom from those various morbid conditions that arise through defective heritage, from those that in the white race frequently accompany such processes or periods of life as teething, puberty, menstruation, gestation, menopause and senility and from malignant growths; while the only disadvantage of the Indian consists in a possibly lesser resistance of his system to a few of the contagions.

Hu’uli my grandmother had three sisters and a brother. Hu’uli’s sister Louise had been sent to a U.S. Indian boarding school. She died there and came home in a coffin. My Hu’uli’s father refused to send Hu’uli to school after that misfortune. Her children taught her how to signify her name with an “X” which she hated to sign. Hu’uli’s two remaining sisters did go to school. One of them, Clara made good pottery and even played a guitar. Clara died at home of tuberculosis. My Hu’uli also died at home because of inadequate emergency medical assistance and reliance on the help of an exhausted O’odham medicine man. My older brother Henry became sick from tuberculosis and he had to stay away from us for over a year at an Indian TB hospital. A junior high school teacher worked with him on his education at the hospital.

My Ba’a, grandfather, is my mother’s natural father. He never went to school either nor did he learn to write his name until his children trained him. Ba’a’s only brother, my namesake, whose gravesite is lost in an ancient O’odham cemetery in Sonora was sent home sick from the Phoenix Indian School (P.I.S.) and died a week later. Robert’s demise is the reason Ba’a never went to school. Ba’a was the only child left to be raised by his single parent father. The two, Ba’a and his dad traveled from water source to water source in Tohono country before Arizona became a state.

“In 1907 ... twenty-eight Papago children were brought to the school [P.I.S.], all in good health. Seven months later, five of these children had been sent home because they were seriously ill with tuberculosis. Two of the returned pupils eventually died, and two more probably did not survive.”

“Don’t send your children to school; they will take their blood and turn it into ink,” is a statement Ge: Hi:akimbut, Mr. Sanford Toro, my great-granduncle made in the O’odham Council meeting in Vamori Village. His statement could have appeared in Child’s book, Boarding School Seasons: American Indian Families 1900–1940: “From the beginning of the boarding school era, Indian parents had accused the schools of

28. TRENNERT, supra note 20, at 102.
spreading tuberculosis and killing their children.”

Hundreds of Indian children died because diseases spread through the boarding schools’ unhealthy conditions. The children’s constitutions were weakened because of poor and unhealthy diets provided by the government as well as the crowded accommodations to which they were subjected.

On a second trip to the Southwest Dr. Ales Hrdlicka, the government researcher for the Bureau of Ethnology at the Smithsonian Institution, also known among Indian people to have stolen many Indian burials to collect and disassemble the human bones to compare them by length in the name of “scientific study,” studied the Phoenix boarding school student health situation. “He found P.I.S. a Mecca for consumptive diseases. The swimming tank was filled with water weekly and the first to bathe in it were the employees, the next day the girl students and for the remainder of the week the boys swam in the water. Hrdlicka found it disturbing that the surrounding private lands were used as tuberculosis camps.”

Not a half hour after I got off the bus, my round headed porcine Navajo probation officer intercepted me as I was walking home. He scolded me, “What the hell are you doing here?” We drove to the Mother Higgins Juvenile Detention Center. On our way there, the portly Navajo asked, “Robert, if I ever see you walking down these streets drunk, is it okay for me to run over you and kill you?” By that time I was so disappointed at becoming a captive, that I could only answer, “okay.”

I was in a total rut in isolation at Mother Higgins for a week, not knowing whether my family knew I was locked away. When the Navajo probation officer took me out we drove to the high school and he enrolled me there. Other O’odham families hated the Navajo because he would walk into their homes without knocking and help himself to food the poor O’odham had on their kitchen tables. We were all happy that he left town to return to Canyon de Chelly or wherever he materialized from. “Good riddance!” was the word in the urban Indian community.

Not until 1924 through the 1940s did Indians gain citizenship. They were to enjoy the benefits of the teachings of democracy in their boarding schools but not its application to them. Indian families were forced to send children to schools where they were made to eat soap if they spoke O’odham, stripped of their cultural beliefs, and even sexually abused by white people in charge of the schools and churches.

Many children submitted to the demands of white schoolmasters and did not challenge the discipline. The U.S. education removed O’odham from the reservation to serve a racist capitalist culture. Their training was designed to prepare them to accept the lower end of the racial, class, and employment system.

Mexicans and Indians performed menial and strenuous work in copper mines while white people worked in less strenuous management positions. Irish, Cornish, and white Anglos complained they were excluded from work because of low wages paid to Mexicans resulting in restrictions against hiring Mexicans in the

29. CHILD, supra note 19, at 62.
30. TRENERT, supra note 20.
31. The Bureau of Ethnology at the Smithsonian Institution has a notorious history for those involved in the repatriation of Native American human remains.
32. TRENERT, supra note 20, at 102–03.
33. Personal comments to author by O’odham individuals.
copper mines. The Indians worked the mines and returned home to their reservations. They also worked in cotton fields as high paying jobs were not available to them. Non-Indian immigrant workers had nowhere to go so they settled near employment locations. Immigrants preserved employment but promoted racialized employment practices that excluded Indians.

*O'odham* veterans returning from the military remained in the cities because there were few jobs on the reservation. They worked menial jobs in the cities, sinking into alcoholism and incarceration. Many were arrested for vagrancy or public intoxication and sentenced to serve ten days in jail by their tribal government white tribal attorney who served as magistrate in the municipality of South Tucson. In exchange for ten days in jail, the prisoners worked five days picking up trash for the city, returning to jail the following weekend to start the “two for one” ten day jail cycle ad nauseam. These men became trapped in the cities because of the alcoholism disease. *O'odham* did not have the skills or jobs to survive in urban environments. Serving out their weekly jail sentences provided them with cheap and unsanitary meals plus a bed. Some *O'odham* women who did domestic maid work for upper class whites stayed in the homes of the wealthy.

**B. How O'odham Language Restriction is practiced by the American and Mexican Governments Through Law and Legal Concepts**

*T ierras Ociosas* (empty lands)\(^3\) * Terra Nullius*\(^3\) (land without owners) and the discovery doctrine\(^3\) are Western legal principles European settler nations used to claim ownership of Indigenous lands in Mexico, Australia, and the United States, respectively. European religious denominations concluded that Indigenous peoples were heathens and savages without law, so they forced Indigenous peoples into slave-like conditions to build schools and churches to save Indian souls. In some schools, Jesuits taught Indigenous people in the Indian languages. Around 1796 an *O'odham* lexicon was produced by Antonio Maria Benz and in 1872 Sister W. Euphrasia near Tucson drafted another notebook of *O'odham* phrases at the San Xavier Catholic School. Before settler governments took control of *O'odham* aboriginal territory their representatives arrived holding Bibles and crosses looking for emeralds and gold.

I was a short child leaning and stretching across the top edge of a dresser surface trying to get hold of a small crucifix. Close to the middle of the dresser top among Catholic icons stood a 3 inch tall crucifix, which I later learned was Jesus Christ, head hanging limp as if he had a broken neck while he hung nailed to the cross. "Ali mu," I would say in *O'odham*, the only language I could speak at four years of age while pointing at the little dead. I repeated the phrase, "ali mu," little dead, "ali mu," little dead.

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35. Id.

My “Hu’uli,” grandmother heard me from the kitchen and she told me, “get away from there.” I heard her O’odham command, but ignored it and continued pointing at the crucifix saying, “ali mu,” little dead, “ali mu,” little dead. I ignored her because the two inch Jesus amused me hanging on the three inch tall crucifix, the way action hero figures attract youngsters these days.

Hu’uli may have been washing dishes because she gave me a great shock when out of nowhere she swatted me once with a stinging wet spank across my shoulder. The ‘scu:k iks’, black rag is what she swatted me with, which she had never done in my entire four years of life in her care. The black rag, is the name of our dish cloth that had turned grey from scrubbing black pots and pans. The sting of the black rag taught me not to amuse myself with the phrase, “ali mu” before Hu’uli’s sacred altar, nor any other religious altars.

O’odham who live in Mexico travel to Arizona for cultural activities, health, and human services. Mobility across the border also occurs in reverse where “American” O’odham cross the border into Sonora for the same reasons. Depending on whether field agents in the Department of Homeland Security Immigration and Customs Enforcement (D.H.S.I.C.E.) and Mexican officials are encountered, O’odham who live in Mexico cross or do not cross the Mexican border into the Tohono O’odham Nation Reservation. These same O’odham are not allowed to pass beyond the reservation borders once they enter the Tohono O’odham Nation. When the Homeland Security law and Mexican laws are enforced on the Tohono O’odham Nation to prevent movement across the border, O’odham discourse and language acquisition as had been practiced since time immemorial at places of O’odham cultural significance are impeded. Border crossing restrictions stop the interchange between O’odham friends and relatives. Today, passports are financially prohibitive when the per capita income during 2006 was $4,144. Such documentation is difficult to acquire especially for O’odham born at home without birth certificates to prove citizenship.

Mexico’s land distribution system in Sonora effectuated by Mexico’s Reforma Agraria land office in Sonora denies Tohono O’odham group rights through the land grant system. O’odham in Sonora have been informed by the former Instituto National de Indigenista that the Mexican ejido system assigns approximately 6 square hectares of O’odham land to O’odham communities in Sonora and limits O’odham usage to the area to be worked by 21 adults. O’odham perceived their ancestral communities not in a square. Furthermore, through intermarriage, the majority decision makers in the ejido are not O’odham and do not speak the language. Recently an O’odham ejido Tots’ak Espuma is alleged to have been taken by a Mexican drug cartel. Mexican laws conflict with traditional O’odham land laws by virtue of the ejido, municipio or private land grant system.

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37. PL 109-367, Section 2, 120 Stat. 2638, 8 USC Section 1701.
39. TOHONO O’ODHAM NATION, 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 (Guadalupe Castillo and Margo Cowan, eds. 2001).
40. The Mexican government’s Instituto has changed its name to “Comision Nacional para el Desarrollo de los Pueblos Indigenas.”
such that *O'odham* are denied access to their traditional land use and occupancy locations. Mexican bureaucrats allow Mexican ranchers, agriculturalists and pseudo-Mexicans (Americans who obtained Mexican citizenship documentation that allowed them to hold lands in Sonora) as absentee landholders to fence *O'odham* subsistence hunting grounds, food harvesting locations and water resources.\(^\text{41}\)

C. The Negative and Detrimental Effects of Language Restriction Against the *O'odham* Speakers

*O'odham* movement across their aboriginal territory is restricted by the D.H.S. forty-nine billion dollar U.S. Mexico Border Fence and Great Wall of Mexico, in concert with the National Park Service in the Organ Pipe Cactus National Monument, the Cabeza Prieta Wildlife and Game Refuge as well as the Barry M. Goldwater Air Force Bombing and Gunnery Range and the Coronado National Forest.\(^\text{42}\) Federal land managers on these game refuge parklands and military operations have restricted *O'odham* use to the land. Even though the parklands surround the Tohono *O'odham* Nation Reservation, the landscape and holy sites are inaccessible because the sites are within range of rocketry and bombing targets. Landmarks are renamed to reflect non-*O'odham* names which in other nations raise much debate.

The negative outcome of the application of laws against *O'odham* people is similar to those applied against Indigenous peoples throughout U.S. Indian country and in Western settler countries like Australia.

It's all a matter of control—*whose*? False well stated policies will never in themselves give control to the people. Whether they work or not will always depend on how they are applied, and is in their application that these policies have failed . . . any group of people who are affected this way [*controlled by outside policies*] will inevitably suffer from poor physical condition, ill maintained housing and community infrastructures, malnutrition, destructive social behavior, vandalism, lack of desire for education, substance abuse, neglected individuals, violence, suicide, and high levels of morbidity and mortality.\(^\text{43}\)

Mexican and United States governing systems and policies are incompatible with traditional *O'odham* lifestyle throughout *O'odham* aboriginal territory. *O'odham* who perform settler government duties are more exposed to the languages used to operate the two governments. In many ways those who lost their language and who speak English are rewarded more than *O'odham* speakers through job opportunities, membership economic benefits, and subsidized housing on the reservation to name a few.

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III. The Controls and Restrictions Against O'odham Mobility to Lands Denies O'odham Language Development

One evening when I was aged six I found myself exchanging blows with a Ju:ckam Mexican cuate. "Cuate" in the Ju:ckam language means "twin." He lived across the street from the neighborhood playground. The two of us were surrounded by a crowd of Ju:ckam and O'odham children shouting at us to, "Dale! Dale! Dale!" in Spanish and "abk si ṣoḥīn," in O'odham. The O'odham words were telling me to punch him hard! The older Ju:ckam and O'odham boys would either push the cuate into me or push me into the cuate. Somehow I made the cuate cry and he was taken home with a bleeding nose and lip. From the same home across the street another cuate came running to fight me. He looked exactly like the one I sent home crying. This cuate seemed a little heavier and so I was pushed into him and told, "abk si ṣoḥīn" in O'odham. I sparred with this new cuate, Raul and he eventually went home crying. His older sister scolded him when he reached home. It was dreamlike to me because it was night time and the older O'odham boys were complementing me for having taken control of the playground. The mood I read coming from across the street was that the cuates were in the wrong to have started a fight against me. I was exhausted, but I felt good that I could play in the playground without any fear of Ju:ckam harassment. The "Ju:ckam words "Dale. Dale." I learned that night meant, "Hit him, Hit him."

In 1848 and 1853, the Treaty of Guadalupe Hidalgo in combination with the Gadsden Purchase interrupted O'odham movement to over one thousand square miles in the Southwest, five hundred miles on each side of the U.S.-Mexico border. The signatories to the treaties which created the U.S.-Mexico border in effect split traditional O'odham lands separating O'odham language speakers into smaller tribal governments violating their Indigenous group rights. Places where O'odham gathered fish, nuts and foods that provided healthy nutrition were fenced away. Mexicans, Italians, Irish, Cornish, Slavs and Chinese immigrants came to work in mining, agriculture, and livestock operations throughout Arizona and Sonora. O'odham territory became colonized by non-Indian families, corporations and cities. Consequently, Mexican and American laws obstructed O'odham language usage. Today, institutions such as the U.S. Department of Homeland Security (D.H.S.) and Mexico's Reforma Agraria pervert and diminish O'odham people's connections and relations to the land. These agencies have had a negative effect on O'odham and their health due to the inability to access traditional subsistence food harvesting locations. Whether state language laws apply on federal parklands is an open question.

In respect to language dividing O'odham homelands between the nation states of Mexico and the U.S. places O'odham under two different dominant language groups, English and Spanish is a burden. This burden frustrates attempts by O'odham speakers conversant in only one dominant language from advocating effectively in both countries. Further, O'odham language has a totally different knowledge base in comparison to English and Spanish languages. Communication by O'odham with any of these two Western languages will fail as a result of the ineffective educational programs provided O'odham that do not connect thought and knowledge bases of English or Spanish to O'odham and vice a versa. English and
Spanish based interaction between O'odham speakers is difficult and more so if O'odham vernacular dies. Some English phonemes cannot be heard by O'odham and English or Spanish speakers can be deaf to O'odham sounds.\textsuperscript{44} Meaning and concepts among the languages are also different so that even if an O'odham is bilingual vocabulary may not make sense to the person depending on their exposure to the languages.

Even though O'odham speakers have become competent in O'odham or English and Spanish languages the amount of communication also depends on body movement and eye contact. O'odham do not always make eye contact because such behavior can indicate aggression or threatening behavior. Among non-O'odham cultures, avoiding eye contact and physical posture may be mistaken for unintended behavior by O'odham. Laws do effect language loss, damage O'odham health, and contribute to the generation gap elderly O'odham complain about the youth. European languages did not originate in this hemisphere. Their concepts conflict with Indigenous traditional land law. The O'odham language is tied to the land and to the knowledge system of the O'odham.

IV. STRESS RELATED HEALTH AND SOCIAL EFFECTS OF AMERICAN MILITARIZATION

After O'odham received U.S. citizenship status from Congress in 1924, the border patrol was placed on the Reservation border ostensibly to guard the international line although there is evidence they were also there to guard over the Tohono O'odham. Many O'odham were conscientious objectors in the war against Hitler, cattle rustling was a problem for Mexicans and Americans as well as access to water resources which Americans wanted to control. During the 1930s the U.S. Bureau of Indian Service Indian agent assigned to superintend the Tohono O'odham reservation did not believe O'odham should be provided with the means, such as weaponry, to guard their Reservation boundary from Mexican citizens and foreign traffic present on the U.S.-Mexico border. Today, Mexicans and foreigners continue colonizing O'odham ancestral lands that lie below the border.

Before the five strand-barbed wire fence was constructed to mark the international line and petition aboriginal O'odham lands in 1933, traditional O'odham subsistence living involved hunting for rabbits, javelina, and deer.\textsuperscript{45} My great grandfather, U:wit'ap E-Ge:wsc 'Leans against the Woman' would chase a deer with his bow and arrows and by noon bring it home to feed his family. Young people ate ground wheat and or pulverized Mesquite beans mixed with water once a day. Sometimes they were able to catch a cottontail or jackrabbit to supplement their meal with protein. At least sixty years prior to the boundary construction, O'odham were seen outracing on foot Mexican horses in the town of Caborca, Sonora. The strength, health, and stamina of the people at this time is related to their traditional diet and lifestyle. Historical documents record O'odham runners hand carrying written messages over 70 miles on foot for Mexican authorities in the late 1800s.

Today O'odham people have been identified as the most obese people in the world and rank number one with the diabetes health problem among all Indians in

\textsuperscript{45} Personal knowledge.
the United States.⁴⁶ Environmental health studies identified a "hunger gene" or "hardy gene" among O'odham that helped them better survive the winter Bihugik Ma:sat "hungry month" when food was scarce. Their diet has changed substantially due to the loss of water, access to the totality of their aboriginal lands, introduction to processed foods at boarding schools and due to U.S. commodity food programs.

Increased Border Patrol agents, plus the placement of National Guard soldiers on the O'odham Reservation, impair O'odham with stress related health problems. Several medical doctors involved with delivering health services who prefer to remain anonymous, indicate some negative impacts on the people's health from stress caused by the D.H.S. on the reservation are inevitable. The Reservation, which used to be a calm, quiet and serene area, has become a place of death where cadavers are found perishing from thirst. Inside the south boundary of the Tohono O'odham Nation reservation in the Chukut Kuk District, which forms part of the U.S.-Mexico border, the Border Patrol has established a holding facility to temporarily detain undocumented migrants arrested on the reservation. O'odham are not hired to perform work at these facilities by the border patrol. O'odham who are citizens to the nation become subjects of suspicion on a heavily traveled highway used by O'odham automobile traffic. O'odham are stopped repeatedly daily by Border Patrol agents to be treated like suspects and searched for contraband and questioned about their citizenship status. Another border crossing check point with sleeping quarters for the agents, communications facilities and a heliport was also established on the reservation where the primary traffic are O'odham members. Minimal Border patrol presence is on the border, their activities occur throughout the reservation away from the border. O'odham cattle ranchers suffer from heavy cattle rustling from Sonora Mexico with no relief. Indigenous household members feel circumscribed to their homes for fear of encountering strangers whether migrants, criminals, or U.S. and Mexican government officials.

National Guardsmen contrive jeep trails through previously untouched desert and sacred historic sites perching themselves on hilltops throughout the reservation. Military Humvees drive throughout reservation roads with armed soldiers. Before 9/11 there already existed seven law enforcement agencies on the reservation. They include the Federal Bureau of Investigation, U.S. Customs, Secret Service, Bureau of Indian Affairs Law Enforcement, Tohono O'odham Police Department, Arizona Department of Public Safety Highway Patrol, U.S. Border Patrol, Military police, and the Shadow Wolves, an all Indian-special tracking customs enforcement branch of the U.S. Customs service.⁴⁷ British and Dutch pilots had practiced their jet fighting and bombing exercises over the reservation on their way to the Barry Goldwater Bombing and Gunnery Range creating noisy sonic booms.⁴⁸ Now the Air Force want to fly the new F-35 jets into the Bombing Range—the location of O'odham sacred sites. Wild game has been impacted and Predator unmanned aerial vehicles (UAV) fly over the reservation border as well as the U.S. Office of Air and Marine helicopters searching for migrants and contraband. Unmanned ground sensors are hidden on the land and mobile surveillance systems,

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⁴⁶ Chester Antone, Statements at the Tohono O'odham Nation Public Hearings in the Schuk Do'ak District (Oct. 16, 2011).
⁴⁷ Personal knowledge gained through Chukut Kuk District community meetings.
⁴⁸ Personal observation and conversation with the pilots.
mobile sensor towers mounted on trucks, also drive on the reservation. It is as if the
Tohono O'odham government has relinquished control of their reservation, not that
they are unaware—but allowed it.

Tightening security on other parts of the border has increased traffic and
illegal activity on the Tohono O'odham reservation as illegal traffic across the border
seeks alternative routes across the border. Recently, a National Guard soldier and 17
individuals were indicted for supplying marijuana and money to Americans across
the reservation border. When undocumented migrants began traversing the more
rural Tohono O'odham Reservation, the Indigenous residents experienced increased
traffic in groups of 10 to 45 people needing help ranging from water, food, maternity
care and medical attention. Numerous migrants expire on the Tohono O'odham
Reservation due to thirst, illnesses, and drug deals, resulting in murder. D.H.S.
tactics increased robberies, assaults, burglaries, cattle rustling, animal abuse, and
vehicle thefts by outsiders to the Tohono O'odham Nation. The militarization of
the Indian Reservation has caused an invasion by nontribal members who have a
different way of thinking about the land.

The Tohono O'odham Nation Reservation is economically depressed and
sparsely populated. Three of the largest Tohono O'odham Nation Reservation
communities are 41% to 50% below the national poverty level. Twenty-nine
O'odham communities are villages with less than three hundred to one hundred
people. The mortality rates in Tohono O'odham communities located closest to the
U.S. Mexico border are higher in comparison to the O'odham communities that are
not situated close to the Mexican border. Arizona statistics also show the mortality
rates for children (1–14) and adolescents (15–19) residing closer to the border have
higher mortality rates than their fellow tribesmen who do not live close to the
border. Sells, Arizona, the largest O'odham community on the Tohono O'odham
reservation, is one of the high youth suicide clusters in the nation. Stress levels on
humans and animals that exist in stressful environments can be harmful to people.
During the summer months, families sleep out doors under their ramadas because
they have no air conditioning. Border patrol agents speed on the roads by O'odham
family homes causing noise and dogs barking creating a lack of sleep. On one
occasion border patrol agents walked into the outside sleeping area shining
flashlights on an O'odham woman’s breasts asking what she was doing holding a
baby to her breast.

Most O'odham are willing to help give food to migrant women with

49. Personal knowledge.
50. Complaints raised by O'odham cattle ranchers attending the West Villages Community
Council meeting in the Chukut Kuk District (Oct. 14, 2011). Complaints such as these were repeatedly
raised for months.
51. Ariz. Dep't of Health Servs., Arizona Health Status and Vital Statistics 2005 Report 433,
52. Id.
53. Id.
54. Id.
55. Id.
56. Gaëlle Boudry, Christopher I. Cheeseman, and Mary H. Perdue, Psychological Stress
Impairs Na+-Dependent Glucose Absorption and Increases GLUT2 Expression in the Rat Jejunal Brush-
Border Membrane, 292 AM. J. PHYSIOLOGY: REG., INTEGRATIVE, COMP. PHYSIOLOGY R862, R865 (Feb.
1, 2007).
children who need help so that they may continue their journeys. *O'odham* elderly quit doctor prescribed exercise walks for fear of encountering criminal traffic or Border Patrol agents who demand documents. The border patrol want to hear persons they encounter on the reservation say they are “United States citizens.” *Tohono* *O'odham* tribal identification cards have been unacceptable for border authorities. It is difficult for *O'odham* to gather firewood and to harvest the natural foods on the reservation. Cadavers not accorded proper respect causes stress when *O'odham* practice elaborate death rituals and mark where decedents perish. It is also stressful when *O'odham* children kill themselves while ironically there is a tremendous amount of foreign law enforcement agencies that do not prevent the problems. This intensified disorder and contradictory police presence causes stress. For example, Border patrol treat *O'odham* as suspects that lead to unnecessary property seizures, agents threaten *O'odham*, Indian parents have been sprayed with mace or wrestled to the ground when they give wrong answers and pregnant wives have been treated roughly by agents.  

A 19 year old *O'odham* son was hit by a Border Patrol vehicle and killed at night. Active militarism creates a stressful and dangerous environment.

V. CONCLUSION

The foundation of the *O'odham* language is ecologically based, but is dying because of external laws and political influences promoted by the United States and Mexican governments. *O'odham* people no longer use words that refer to experiences that are practiced in places restricted to them by so-called sanctimonious land managers who do not understand the land as they claim. Metaphors and lectal registers dependent on *O'odham* experiences in the desert region connected to health, foods, identities, cosmology, and traditional resource wisdom is slipping away from the Desert Indians. Today, the *O'odham* language survival rate is at 46% and less as that many children under the age of five speak it. The future, to continue as a people, is tied to their language. The language must be revitalized and maintained by all means available. *I'itoi* gave the people their language to survive on the land; the impediments to language survival must be stopped.

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