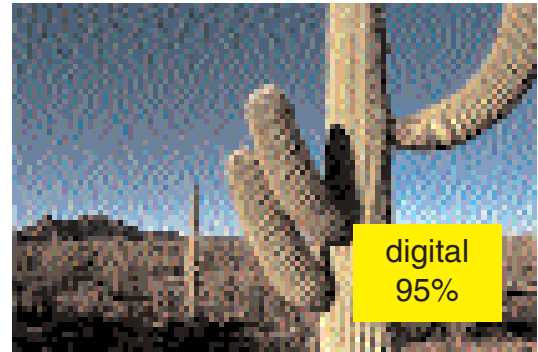


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ROSE ARRIETA

# A Nation Divided

*For members of the Tohono O'odham tribe, the homeland to unify is their own*

ANA ANTONE SKILLFULLY MANEUVERS the four-wheel-drive vehicle, peering over the dash, pausing every so often to negotiate the deep potholes, large rocks, and tree branches scattered on this bumpy dirt road just north of the U.S.-Mexico border. The surrounding desert is dotted with ocotillo shrubs, palo verde trees, and saguaro cacti. Full, heavy mesquite trees hang low. Greasewood bushes, about four feet high and a deep leafy green, hug the earth. Somewhere out there, families of *javelinas* (wild pigs) snort around for seeds and berries; cows poke along the landscape; and white-winged doves, woodpeckers, and hawks swoop through the Sonoran Desert skies.

Antone is headed home. Although she lives in Sells, Arizona, her birthplace and ancestral home is south of the border in the Tohono O'odham community of Ce:dagi Wahia—known in Spanish as Pozo Verde. The village is just twenty miles from the San Miguel Gate, an unofficial border crossing on a route used by the Tohono O'odham for centuries.

"That's the road my people traveled when they went back and forth to visit our relatives, the Pima at Salt River, and Gila River," says Antone softly. "But by the time I started remembering

things, that wasn't happening anymore. By then, the boundary was there." Today, the Tohono O'odham Nation straddles the border, with members living on both sides.

Antone, fifty-four, with short dark hair and a pleasant smile, works as a mental health counselor for the Tohono O'odham Health Services Department in Sells. Sitting next to her is forty-five-year-old Lavern Jose, a Health Services health care worker. Jose's job is to bring elders from south of the border to their medical appointments in Sells. A woman of force and vigor, she grinds her own corn masa for the tamales that she cooks over the wood stove at her home in Tecolote, Arizona. She used to help her dad rope cattle and can get a broken vehicle up and running in short order. It is perhaps this strength that steels her against intimidation by U.S. border agents.

As tribal members, Jose's patients can receive medical care provided by the Tohono O'odham Nation. But that care, like all other tribal services, is located at the nation's headquarters in Sells, on the increasingly inaccessible U.S. side of the border.

"They have lights in the front, spotlights—that's how they pull us over," Antone says, referring to the vans of border agents. "Lot

**The late Pablo Lewis (left) shows a photo of himself from his army days. Like many members of the Tohono O'odham Nation, Lewis served in the military, even though he was not a U.S. citizen.**

of time they will just follow us for a long distance and never turn on the spotlights. Some will even drive alongside your vehicle. In November it happened almost every week. I was stopped once; other times I was followed all the way to my house in Sells.”

With a reporter in the car and no patients as passengers, there is a good chance we won't get stopped on our way back into the U.S. But Jose and her patients aren't always so lucky. “I tell them things will be okay,” Jose says, recalling the fear in the eyes of patients who are well into their eighties or nineties. “We've had different agencies point guns at us. Whatever they learned in training—they shouldn't be using it on the elderlies. The agents have no respect.”

ANTONE AND JOSE ARE maneuvering in a militarized zone. Since 1994, when Congress passed the immigration-control measure Operation Gatekeeper, a record number of border agents have been descending on the Tohono O'odham Nation. Border officials acknowledge that the tribe's seventy-five-mile section of the border is now patrolled by seventeen hundred agents, the largest number ever—not including a battalion of customs agents.

Operation Gatekeeper, designed to crack down on illegal immigration in the San Diego area, diverted migrants to the less crowded Sonoran Desert and Tohono O'odham land. Within a year or two, hundreds of tribe members “started calling the vice chairman's office because they were being stopped and asked for documents,” says tribal general counsel Margo Cowan. “Some of them were roughed up—dragged out of their cars, spoken to with profanity, told they had to get documents or they would be arrested and deported. Some were arrested. Some were deported.”

Among other activities, tribal officials report an increase in vehicle surveillance, gunpoint questioning, and the use of helicop-

ters, which roar overhead to spot migrants. Like migrants, Tohono O'odham tribe members are subject to arrest and detention in any one of a handful of jails along the border. Some detainees are held up to twelve hours before they are released in the border city of Nogales, Arizona. Others are transferred to detention facilities in Florence or Eloy for stays of up to six weeks, according to border patrol spokesman Frank Amarillas.

Cowan says the nation has filed at least one hundred written complaints with U.S. border authorities in the past nine years, on allegations ranging from wrongful detentions to property damage. While Mario Villareal, spokesman for the U.S. Bureau of Customs and Border Protection, says he is not familiar with the complaints, Clyde Benzenhoefer, a border patrol official who worked in the Tohono O'odham region until 2000, acknowledges having received written complaints, although “nowhere close to a hundred.”

In 1997, agents arrested a seven-year-old Tohono O'odham boy traveling to a heart specialist at the Sells clinic, says Cowan. The boy and his grandparents were jailed and deported for lack of documentation, their vehicle seized. In February 2003, a woman was turned away for prenatal care for similar reasons; she later miscarried, Jose adds. Many of Jose's patients are elderly, and require regular visits to the health clinic. “A lot of our people have diabetes,” she says. “My heart is there for them.”

The Tohono O'odham tribe, with a Connecticut-sized reservation on the U.S. side, has twenty-eight thousand members, fourteen hundred of whom live south of the international border that has bisected their homeland for one hundred fifty years. Since the 1930s, that divide has been marked by barbed-wire cattle fences; so far, tribe members have been spared the imposing metal walls that seal the border in areas like San Diego. But the country's recent immigration-control policies have drastically changed every facet of Tohono O'odham life.

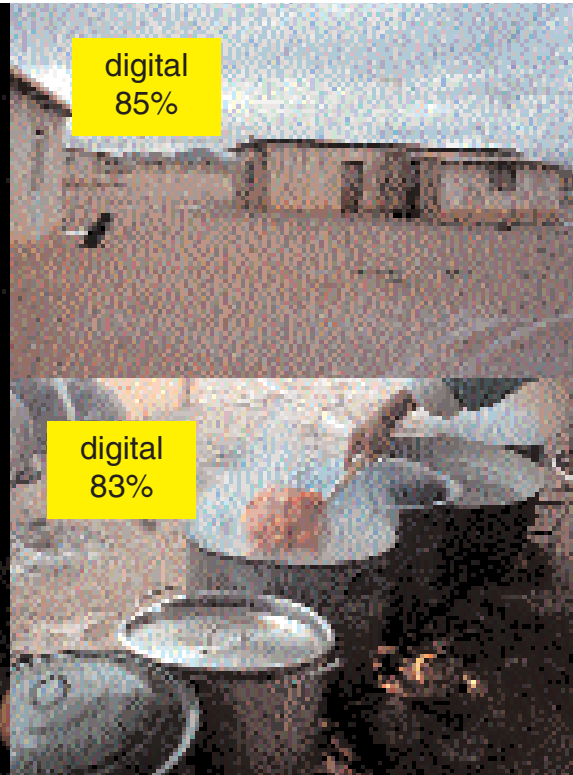
Because of the border and its enforcement, ancestors' graves are unvisited; relatives go years without seeing family; and fiestas, wakes, and ceremonial offerings go unattended. Elders, hampered from crossing for a number of reasons, fail to share traditional stories, and to pass on knowledge about the past, about plants and animals, and about caring for their desert home—knowledge that is vital to the tribe. “We were brought into this world for a purpose,” says Joseph Joaquin, Tohono O'odham cultural resources specialist, “to be the caretakers of this land.”

Even the gathering of native plants, a mainstay of traditional culture, is no longer without hassle. Tohono O'odham women just north of the border still go out early in the morning to collect saguaro to make jams and ceremonial wines. “But now the border patrol often pulls up and starts asking for identification,” says Jose.

“From time immemorial this has been our land,” says tribal



**Ana Antone, a Tohono O'odham living in Arizona, risks deportation by visiting this family cemetery in Pozo Verde, Mexico.**



**Lavern Jose (above) is employed to drive patients to a Tohono O’odham medical clinic across the border, where U.S. agents have stopped them at gunpoint. Palo Verde, Arizona (top right); preparing a tribal feast (bottom right).**

vice chair Henry Ramon. “It doesn’t make sense that we should be questioned about who we are—we know who we are.”

The Tohono O’odham is the only border tribe whose Mexican members are officially recognized by the U.S. government. But members of the Yaqui, Cocopah, Quechan, Kumeyaay, and Kickapoo nations have also traversed the two-thousand-mile border that runs from California to Texas in order to maintain ties with tribe members in Mexico.

Before 1994, members of all these nations could cross the border both ways with little trouble. Operation Gatekeeper, which followed on the heels of Texas’s Hold the Line initiative at the El Paso crossing, ended the informal recognition of tribal people’s right to travel within their traditional homelands. The 1999 federal Operation Safeguard, targeting the Nogales border south of Tucson, intensified the clampdown. September 11th further heightened the tensions, sending the number of border agents to an all-time high, from 7,300 in 1998 to 10,200. “Everyone,” as one Yaqui cultural leader puts it, “becomes a suspected terrorist now.”

Last January, the Department of Homeland Security folded an array of functions from several border-related agencies into two bureaus: the Bureau of Customs and Border Protection handles inspections, while the Bureau of Immigration and Customs Enforcement handles enforcement. Warren McBroom, associate general counsel of the enforcement bureau says that some fifteen

hundred undocumented non-O’odham migrants could be occupying the U.S. side of the nation’s land on any given day. The O’odham generally accept that estimate. Their own police force cooperates with the border patrol and has been shot at by drug runners, according to Cowan. But this ramped-up border security, meant to curtail illegal immigration, drug trafficking, and terrorism, is causing trouble for the Tohono O’odham.

Ana Antone got a sense of the new Homeland Security Department’s policies late one night in November of 2002, as she was returning home from a ceremony in Pozo Verde honoring the ancestors. Antone’s group had just pulled through the San Miguel Gate. “A border patrol van drove right in front of us,” she says. “My friend had to slam on her brakes.” Agents in four separate vehicles approached their vehicle on foot and pointed guns at them. “This is our home,” she says in a quiet, firm tone. “Who gave them the right to treat us the way they do?”

IN 1999, FOLLOWING COMPLAINTS about harassment at the border, the U.S. government agreed to issue visas to facilitate passage to and from the fourteen O’odham communities in Sonora, Mexico. The program has had limited success. Visas were issued during a ten-week period from November, 2000 to January, 2001. Many tribe members didn’t apply during that period, and since then have reported difficulties obtaining the document, according



to Cowan. To apply, members from south of the border were required to display Mexican passports, but about four hundred O’odham had never obtained passports. Some refused to apply for them because “to do so was to deny their own nation,” according to Cowan. On the U.S. side, many didn’t apply for the visas because they feared deportation; several hundred tribe members born south of the border now live in Arizona, where they are as vulnerable to arrest as undocumented immigrants.

The Tohono O’odham Nation also estimates that seven thousand members, a quarter of its population, were born on U.S. soil but cannot prove it. The reason: they have no birth certificate. “We were born in our own homes by a special medicine woman who does births,” says Ramon. “Now we are paying the penalty.” Some, like Antone, have served in the U.S. military, which has no citizenship requirement, but now find they cannot even apply for a passport.

Tribe members also complain about the indignity and inconvenience the visas represent. The required documents are only accepted at official U.S. ports of entry, but the nearest ones are outside the nation’s land, reached by miles of poorly maintained roads, says Silvia Parra, executive director of the nation’s Health and Human Services Department. Most people are accustomed to using a number of traditional crossings, many of them cattle guards like the San Miguel Gate, which are no longer legal. And once they make the trek to an official port of entry and show proper documentation, tribe members must still obtain and carry a special immigration permit, usually good for only one day.

Warren McBroom contends that the agencies have a good relationship with the tribe. “If you cross by a port of entry using your documents,” he says, “you won’t have any problems.”

Yet even documented members from Mexico have reported

trouble. According to Joaquin, border patrol agents don't always honor the U.S. visas, saying that "it's not a passport." That charge is denied by U.S. officials. Neither the U.S. border patrol nor the tribe has counted how many tribe members have been turned away from crossing the nation's border points, or determined the reasons.

To tribe members, the situation is increasingly unacceptable. "These gatekeepers are telling them they can't come on their own land," says Cowan. "That is very offensive. They are not Mexican. They are Tohono O'odham."

For their part, border guards have little patience for nuanced explanations about tribal identity, missing documents, or historical passageways, says Cowan. Many agents have no experience with the desert, indigenous culture, or the border area, she says. "The agents are typically sent in for six-week tours of duty from all over the United States," Cowan explains. "You [often] have rookies, and people itching for a fight." Not surprisingly, O'odham elders respond with dismay. "These people are very private. They believe that they were created from the sand of this sacred desert," says Cowan. "For them, harsh words and harsh actions and people who don't belong disrupt the harmony."

BEFORE THE BORDER WAS ESTABLISHED, Tohono O'odham villagers in places like Quitovaca, Bacoachi, Caborca, Pitiquito, or Pozo Verde freely moved south and north to visit their relatives, to barter, to share stories. According to tribal cultural affairs manager and archaeologist Peter Steere, some modern border-crossing roads follow prehistoric trade routes along the river valleys. They connected the Tohono O'odham, who lived in the western desert, with the Akimel O'odham (Pima), who lived along the Santa Cruz and nearby rivers. The tribes spoke a mutu-

ally understandable dialect. The Tohono might trade baskets, beans, foodstuffs, or labor for "pottery, basketry, meat, deer hides, or mesquite or ironwood carvings," Steere says.

The network of ancient trade routes covered a large swath of territory. "One of the great traditions was going to bring salt from the Sea of Cortez," says Raquel Rubio-Goldsmith, adjunct professor of Mexican-American studies at the University of Arizona. "It was a rite of passage [for] young men. And it indicates the range of land they moved in."

That range of land was bisected following the 1853 Gadsden Purchase, which imposed a string of six-foot-tall metal pillars across Tohono O'odham territory, and opened the way for the U.S. to build a southern transcontinental railroad. The Gadsden Purchase added thirty thousand square miles south of the Gila River to the vast stretch of the Southwest that Mexico had ceded six years earlier, through the Guadalupe Hidalgo Treaty that ended the Mexican War.

"No one showed the Tohono O'odham the respect to invite them to the table," says Cowan. "It was bought and sold out from under them."

By the 1930s, according to Steere, the U.S. had built cattle fences and border inspection stations to prevent the entry of hoof-and-mouth disease from Mexican cattle. Following World War II, the U.S. began establishing border checkpoints. And around that time, the pilgrimage to the Sea of Cortez was halted when U.S. border agents refused to let the salt into the country, says Joaquin.

But for the most part, people still traversed the border freely, even when Lavern Jose was a young girl going to visit relatives in Mexico. "My grandparents never said 'We're in Sonora,'" she recalls, "just that they were going back to the ranch."



Three generations of the Francisco family (above) pose outside their church in Kaka, Arizona, on the Tohono O'odham Nation.

Today, because of the threat of detention, deportation, harassment, or just inconvenience, Tohono O’odham travel less freely. Many are blocked or discouraged from making the trek to honor what is perhaps the O’odham’s most revered mountain—seventy-seven-hundred-foot Baboquivari Peak. It rises high above the lands overlooking the Tohono O’odham Nation on the U.S. side. Each March, Felix Antone, Ana’s brother, leads a pilgrimage there to make offerings before the start of the Unity Run from Pozo Verde to Salt River, a ritual he initiated five years ago to connect O’odham youth with their elders.

Antone, sixty-seven, is considered a healer. Wearing a white cowboy hat, dark blue plaid shirt, Levis, and boots, his skin the color of polished mahogany, Antone speaks thoughtfully about Baboquivari Peak. “There is a cave there where the creator we call I’itol lives. That’s where we take the young children and where we talk to them about our old way of life,” he says. “We go out there and camp all night, and sing and tell stories. Every morning, we go to the cave, and make offerings to the creator.” Such offerings preserve a ritual the tribe has practiced “forever.”

Now a shadow hangs over ceremonies that require cross-border travel. Antone says that when he was a young boy, “that border line didn’t mean anything to me. Or maybe for those of us who live on both sides of the border it really didn’t exist. But now,

as the years go by, things are getting harder.”

For Antone and the Tohono O’odham Nation, the solution may rest with a bill reintroduced by Arizona Congressman Raul Grijalva in February. It would amend the Immigration and Nationality Act of 1952 to grant U.S. citizenship to all enrolled tribal members who carry a tribal card. That card—not a U.S. or Mexican passport—would then authorize all crossings, reinforcing the tribe’s identity as a nation. Since 9/11, the bill, H.R. 731, has been held up in the House Immigrations and Claims subcommittee. But the tribe has 112 co-sponsors from forty states including California, Arizona, New Mexico, and Texas. Border patrol spokesman Russell Ahr points out that the U.S. grants residency status, and permanent rights of passage, to all officially recognized North American Indians born in Canada. “If there is already a norm for Canada,” he asks, “why is there no discussion of applying that to Mexico and that country’s Indians?”

THE INDIGENOUS NATIONS along the U.S.-Mexico border are asking that same question. Leaving the quest for a citizenship bill to the O’odham, other border tribes are pursuing their own methods for maintaining cross-border links.

Yaqui ceremonial leader Jose Matus helps coordinate cultural exchanges as co-founder of the Tucson-based Alianza Indigena



**A corral on an old ranch (left) marks the border between the United States and Mexico, a crossing point for the Tohono O’odham before the recent clampdown. This tribe member (right) unsuccessfully tried to document his birth in the United States.**

Sin Fronteras (Indigenous Alliance Without Borders), which defends the right-of-way of indigenous peoples on their lands. About ten thousand Yaquis live in southern Arizona, but about forty thousand live in Mexico, where they practice a traditional subsistence lifestyle. They have no running water, electricity, or paved roads, and little experience with U.S. bureaucracy. An agreement hammered out by the Alianza, the Pasqua Yaqui tribal government, and the Yoemem Tekia Foundation waives strict visa requirements for Yaqui cultural events.

In December 2002, Matus followed the protocol of the agreement, informing border agents that he would be crossing with a contingent of his tribe's dancers and singers from Rio Yaqui, Sonora—about four hundred miles south of the border. Matus and his group got through. Still, “three or four of them were heavily questioned about what they were doing and why,” says Matus. “We realize that passports could be confiscated at any given moment on the whim of a border agent, especially from a person who can't answer the questions or understand them. They get very intimidated.”

Cultural relations were severely strained in 1994, when a group of Yaqui deer dancers was coming across the Nogales port of entry. They were on their way to perform a traditional ceremony involving a sacred deer head, which can only be touched by the dancer using it. A border agent broke open the deer head to make sure there were no drugs inside. “We believe it is an omen when something happens like that,” says Matus. “The dancer did not participate in the ceremony, and it is something that they prepare for all year.”

In 1998, the tribe met with border officials for a series of cultural sensitivity workshops that improved relations, says Matus. “But we are braced for the ramifications of the border patrol now being part of Homeland Security as they build forces at the border and clamp down even more.”

That clampdown has already affected the federally recognized Kumeyaay tribe, whose lands stretch from San Diego and Imperial counties in California to sixty miles south of the Mexican border. Four years ago, the Kumeyaay Border Task Force established a “pass/repass” plan with the U.S. Immigration and Naturalization Service (INS). It was supposed to allow the Baja Kumeyaay to apply for visas that would facilitate cross-border cultural exchanges. A year after the 9/11 attacks, the INS, without consulting the tribe, terminated the agreement, citing security reasons. So far only about three hundred Baja Kumeyaay visas have been processed, with about a thousand more to go.

Despite such obstacles, all the border nations are determined to maintain free travel within their own territories. “To us, everything is a whole; it is one piece,” says Dale Phillips, the vice



**Choir members prepare to sing on an anniversary of the death of a Tohono O'odham tribe member at his home.**

chairman of the Cocopah Nation, located just outside of Yuma, Arizona, about twelve miles from the border. “That line has nothing to do with us; it has to do with two foreign countries who came in and divided [the nation] in half. If it wasn't for that line, maybe we would have a lot of the elders be free to come here to tell the [traditional] stories.”

AS ANA ANTONE, LAVERN JOSE, AND I approach the San Miguel Gate, vendors in t-shirts, Levis, and long-sleeved flannel shirts are selling pop, juices, and snacks from blue and white and red ice chests. Border patrol agents wearing reflective sunglasses and military garb stare out of parked vans. Nearby, migrants wait to make their way north when darkness falls. We cross the wooden cattle guard slowly, bumping and rocking toward the dusty dirt road that will take us south.

It is late afternoon when we arrive at Pozo Verde. Set amid a cluster of small wooden buildings, Ana Antone's home is simple, clean, and comfortable. It has dirt floors and no running water. An altar in one corner holds white candles, marigolds, a buffalo skull, gourds, sage, rosaries, a cross, and an exquisite statue of the Virgen de Guadalupe. The statue has been in her family for years.

“I was born and raised here,” says Antone, gazing out at the desert land. “My parents, grandparents, and other relatives are buried here. I still consider it home.”

That sense of home, disrupted by a political boundary, lies at the heart of the identity of the Tohono O'odham, and all the border tribes who are intent on maintaining their traditions. “We are a broken vase,” says Louie Guassac, tribal coordinator for the Kumeyaay. “There are pieces of our lifestyle and ways on both sides of the border. Preserving our culture is our priority.”