

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing the Transfer of Customs Patrol Officers (Shadow Wolves) to the
Bureau of Customs and Border Protection ("BCBP"))

RESOLUTION NO. 03-298

1 **WHEREAS, the Tohono O'odham Nation ("Nation") is a federally recognized Indian tribe located**
2 **on approximately 4,500 square miles in southern Arizona, with approximately 65**
3 **miles of its border on the International Boundary with Mexico; and**

4 **WHEREAS, in recent years the Nation's lands have become heavily used by smugglers of narcotics**
5 **and undocumented immigrants, and by the federal agencies seeking to stop the flow**
6 **of narcotics and immigrants, creating an unprecedented impact on the Nation's land**
7 **and environment, on personal and community property, and on the way of life of the**
8 **Nation's members; and**

9 **WHEREAS, over many years the Nation has cooperated with the U.S. Customs Service and with the**
10 **Border Patrol of the Immigration and Naturalization Service to stem the flow of**
11 **narcotics and undocumented immigrants; and**

12 **WHEREAS, since 1974 the Nation has allowed the U.S. Customs Service to staff a facility in or near**
13 **Sells, and in return the U.S. Customs Service employed up to 25 Native Americans as**
14 **Customs Patrol Officers; and**

15 **WHEREAS, in about 1985 the U.S. Customs Service organized these Native American Customs**
16 **Patrol Officers into a select unit which came to be known as the "Shadow Wolves,"**
17 **which utilized the unique knowledge and skill of Native Americans to track and**
18 **interdict smugglers crossing the lands of the Nation; and**

19 **WHEREAS, the Shadow Wolves have gained an international reputation as a small but highly**
20 **effective interdiction unit of the U.S. Customs Service; and**

21 **WHEREAS, the Shadow Wolves in calendar year 2002 have seized over 104,000 pounds of**
22 **marijuana, large amounts of cocaine, illegal arms, and confiscated from drug**
23 **smugglers large amounts of cash utilized to promote illegal activity, all of which may**
24 **have been intended for distribution in cities and towns, as well as other Indian**
25 **reservations, throughout the United States; and**

26 **WHEREAS, the reorganization which accompanied the formation of the Department of**
27 **Homeland Security in the United States government disbanded the U.S. Customs**
28 **Service and the Immigration and Naturalization Service, and has resulted in a**

RESOLUTION NO. 03-298

(Opposing the Transfer of Customs Patrol Officers (Shadow Wolves) to the Bureau of Customs and Border Protection ("BCBP"))

Page 2 of 4

1 **decision in May 2003 to transfer the Customs Patrol Officers, including the 21 Shadow**
2 **Wolves, from the new Bureau of Immigration and Customs Enforcement ("BICE") to**
3 **a another new agency, the Bureau of Customs and Border Protection("BCBP"); and**

4 **WHEREAS, the Nation takes a great interest in how the federal border protection agencies**
5 **organize their functions because the Nation places a high priority on stopping the**
6 **flow of narcotics and immigrants across the Nation's lands and seeks to protect the**
7 **sacred sites of its lands from the intrusive impacts of federal agents; and**

8 **WHEREAS, the United States should have consulted with the Nation in a government-to-**
9 **government manner regarding the organization of the federal border protection**
10 **agencies on the Nation's lands prior to making decisions regarding the Shadow**
11 **Wolves, and failed to do so, thereby violating (1) Executive Order 13175 of November**
12 **6, 2000, entitled "Consultation and Coordination With Indian Tribal Governments,"**
13 **which commits the United States to meaningful consultation and collaboration with**
14 **tribal officials in the development of policies that have substantial direct effects on**
15 **one or more Indian tribes, (2) the "Department of Justice Policy on Indian Sovereignty**
16 **and Government-to-Government Relations with Indian Tribes" dated June 1, 1995,**
17 **and (3) the Presidential Memorandum of April 29, 1994 entitled "Government-to-**
18 **Government Relations With Native American Tribal Governments"; and**

19 **WHEREAS, it appears that transfer of the Shadow Wolves to the BCBP will have a detrimental**
20 **effect on the ability of the Shadow Wolves to effectively fight the flow of narcotics and**
21 **immigrants across the Nation's lands because the Shadow Wolves will be**
22 **incorporated into the larger Border Patrol and will be controlled by Border Patrol**
23 **officials who are unfamiliar with the Shadow Wolves' expertise and methods of**
24 **operation; and**

25 **WHEREAS, the Shadow Wolves unit currently operates out of a building leased from Sells**
26 **District, a political subdivision of the Nation, specifically for the U.S. Customs**
27 **Service's law enforcement functions; and**

28 **WHEREAS, use of the leased building by any entity other than the U.S. Customs Service may be**
29 **a breach of the lease and may be a cause for early termination of the lease.**

RESOLUTION NO. 03-298

(Opposing the Transfer of Customs Patrol Officers (Shadow Wolves) to the Bureau of Customs and Border Protection ("BCBP"))

Page 3 of 4

1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation:**

- 2 **1. Opposes the transfer of the Customs Patrol Officers (Shadow Wolves) to, Bureau**
3 **of Customs and Border Protection ("BCBP") and recommends that they remain in**
4 **the Bureau of Immigration and Customs Enforcement ("BICE").**
- 5 **2. Requests that Commissioner Robert Bonner of the Bureau of Customs and Border**
6 **Protection ("BCBP") and Assistant Secretary Michael Garcia of the Bureau of**
7 **Immigration and Customs Enforcement ("BICE") immediately consult with**
8 **officials of the Nation on this matter in accordance with the requirements of**
9 **Executive Order 13175, the Department of Justice Indian Policy, and the**
10 **Presidential Memorandum of April 29, 1994.**
- 11 **3. Requests the assistance of the National Congress of American Indians in**
12 **representing the views of the Nation expressed in this resolution to the United**
13 **States government.**

14 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 25TH. Day**
15 **of JUNE, 2003 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST;**
16 **-0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1(j) of**
17 **Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham**
18 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
19 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

20
21 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

22 

23
24 **Dennis Ramon, Chairman**

25
26 25th day of June, 2003

27
28 **ATTEST:**

29 
30
31 **Julianna Saraficio, Acting Legislative Secretary**

32
33 25th day of June, 2003.

34
35 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
36 **Nation on the 25th day of June, 2003 at 3:49 o'clock, P.M.,**
37 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
38 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
39 **submittal.**

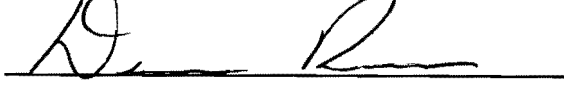
RESOLUTION NO. 03-298

(Opposing the Transfer of Customs Patrol Officers (Shadow Wolves) to the Bureau of Customs and Border Protection ("BCBP"))

Page 4 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

TOHONO O'ODHAM LEGISLATIVE COUNCIL



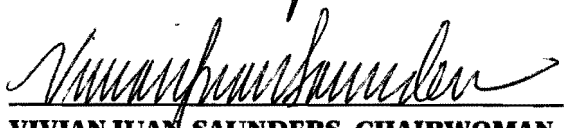
Dennis Ramon, Chairman

APPROVED

on the 26 day of June, 20 03

DISAPPROVED

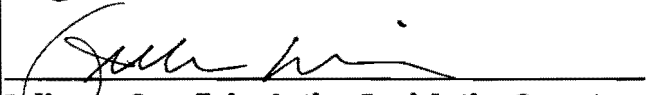
at 5:51 o'clock, p.M.



**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 26th day of

June, 20 03, at 5:55 o'clock, P.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: OPPOSING THE TRANSFER OF CUSTOMS PATROL OFFICERS (SHADOW WOLVES) TO THE BUREAU OF CUSTOMS AND BORDER PROTECTION ("BCBP")

MOVED: COUNCILWOMAN EVELYN JUAN

SECOND: COUNCILWOMAN GLORIA RAMIREZ

DATE: JUNE 25, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ ()	107.70	X			
	2. DENNIS RAMON ()	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES ()	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN ()	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzula)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			X
TOTAL		2,629.7	2,629.7	-0-	-0-	[01]

****PASSED VOTES**