

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Resolution requesting that the United States Attorney for the District of Arizona initiate a criminal investigation into the death of Mr. Bennett Joseph Patricio, Jr. to determine whether the United States Border Patrol agent operating the United States Border Patrol vehicle that struck and killed Mr. Patricio did violate Mr. Patricio's civil rights)**

**RESOLUTION NO. 04-469**

- 1 **WHEREAS, on April 9, 2002 at approximately 4:33 A.M., Bennett Joseph Patricio, Jr., an enrolled**  
2 **member of the Tohono O'odham Nation, was struck and killed by a U.S. Border Patrol**  
3 **vehicle driven by an on-duty Border Patrol agent; and**
- 4 **WHEREAS, the Tohono O'odham Police Department did conduct an investigation into this**  
5 **incident; and**
- 6 **WHEREAS, lacking jurisdiction over the non-Indian U.S. Border Patrol agent, the Tohono**  
7 **O'odham Police Department referred this matter to the United States Attorney for the**  
8 **District of Arizona for prosecution; and**
- 9 **WHEREAS, the United States Attorney for the District of Arizona did decline to prosecute the U.S.**  
10 **Border Patrol agent; and**
- 11 **WHEREAS, members of the Tohono O'odham Legislative Council have witnessed U.S. Border**  
12 **Patrol agents traveling at high speeds on repeated occasions throughout the Nation;**  
13 **and**
- 14 **WHEREAS, members of the Tohono O'odham Legislative Council have witnessed U.S. Border**  
15 **Patrol agents operating Border Patrol vehicles in an unsafe, careless and reckless**  
16 **manner of repeated occasions throughout the Nation; and**
- 17 **WHEREAS, members of the Tohono O'odham Legislative Council have received numerous**  
18 **complaints from community members stating the U.S. Border Patrol agents operate**  
19 **Border Patrol vehicles in a manner which endangers community members,**  
20 **particularly children and Elders; and**
- 21 **WHEREAS, the Tohono O'odham Nation finds that U.S. Border Patrol agents must operate Border**  
22 **Patrol vehicles in a careful and responsible manner at all times within the exterior**  
23 **boundaries of the Tohono O'odham Nation; and**
- 24 **WHEREAS, the Tohono O'odham Legislative Council finds that the United States Attorney for the**  
25 **District of Arizona decision to decline prosecution is unacceptable; and**
- 26 **WHEREAS, the Tohono O'odham Legislative Council finds that the U.S. Border Patrol agent who**  
27 **was operating the U.S. Border Patrol vehicle which struck and killed Mr. Patricio**  
28 **must be held accountable for this conduct.**

**RESOLUTION NO. 04-469**

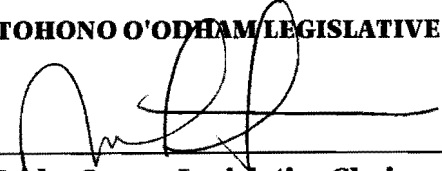
**(Resolution requesting that the United States Attorney for the District of Arizona initiate a criminal investigation into the death of Bennett Joseph Patricio, Jr. to determine whether the United States Border Patrol agent operating the United States Border Patrol vehicle that struck and killed Mr. Patricio did violate Mr. Patricio's civil rights)**

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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation, formally and on a**  
2 **government-to-government basis, requests that the United States Attorney for the**  
3 **District of Arizona initiate a criminal investigation into the death of Mr. Patricio to**  
4 **determine whether the United States Border Patrol agent operating the United States**  
5 **Border Patrol vehicle that struck and killed Mr. Patricio did violate Mr. Patricio's**  
6 **civil rights.**

7 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17<sup>th</sup> Day**  
8 **of SEPTEMBER, 2004 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0-**  
9 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**  
10 **Section 1 (c)(2), (f) & (l) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by**  
11 **the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
12 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
13 **18, 1934 (48 Stat. 984).**

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15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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19 **Isidro Lopez, Legislative Chairman**

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21 17<sup>th</sup> day of September, 2004

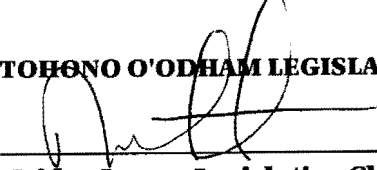
22  
23 **ATTEST:**

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27 **Rosita N. Ruiz, Legislative Secretary**

28  
29 17 day of September, 2004.

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31 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**  
32 **O'Odham Nation on the 17 day of September, 2004 at 5:46 o'clock,**  
33 **9 .M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
34 **effective upon her approval or upon her failure to either approve or disapprove it within 48 hours**  
35 **of submittal.**

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37 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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40 \_\_\_\_\_  
41 **Isidro Lopez, Legislative Chairman**

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**RESOLUTION NO. 04-469**

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APPROVED

on the 17<sup>th</sup> day of September, 2004

DISAPPROVED

at 5:47 o'clock, P.M.

*Vivian Juan Saunders*

VIVIAN JUAN SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

September, 2004, at 5:56 o'clock, P.M.

*Rosita N. Ruiz*

Rosita N. Ruiz, Legislative Secretary

**ACTION:** RESOLUTION REQUESTING THAT THE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA INITIATE A CRIMINAL INVESTIGATION INTO THE DEATH OF BENNETT JOSEPH PATRICIO, JR. TO DETERMINE WHETHER THE UNITED STATES BORDER PATROL AGENT OPERATING THE UNITED STATES BORDER PATROL VEHICLE THAT STRUCK AND KILLED MR. PATRICIO DID VIOLATE MR. PATRICIO'S CIVIL RIGHTS

**MOVED:** COUNCILWOMAN EVELYN JUAN

**SECOND:** COUNCILMAN VERLON JOSE

**DATE:** SEPTEMBER 17, 2004

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

\*\*PASSED VOTES