

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Enacting Criminal Code Section 1.22, "Severability," Section 3.13, "Unlawful Transporting of**  
**Illegal Alien(s)," and Section 3.14, "Unlawful Harboring of Illegal Alien(s))"**

**RESOLUTION NO. 05-662**

- 1 **WHEREAS, the Legislative Council is vested with the power "to enact criminal and civil laws**  
2 **governing the conduct of any person within the Tohono O'odham Nation" and to**  
3 **provide laws "to promote, protect and provide for public health, peace, morals,**  
4 **education and general welfare of the Tohono O'odham Nation and its members"**  
5 **(Constitution of the Tohono O'odham Nation, Article VI, Section 1(c)(6) and 1(c)(2));**  
6 **and**
- 7 **WHEREAS, the southern boundary of the Tohono O'odham Nation comprises 75 miles along the**  
8 **international border between the United States and Mexico; and**
- 9 **WHEREAS, the Nation has lost millions of dollars annually in law enforcement manpower and**  
10 **resources, health care, environmental damage, theft, and destruction of property**  
11 **due to impact of illegal immigration on the Nation; and**
- 12 **WHEREAS, illegal immigration is closely linked with the smuggling of thousands of pounds of**  
13 **illegal narcotics and other drugs across the Nation every year that threaten the**  
14 **health and safety of the Nation's members, particularly Tohono O'odham youth; and**
- 15 **WHEREAS, a number of the Nation's members have expressed significant concern that these**  
16 **activities are endangering the welfare of the Nation's people; and**
- 17 **WHEREAS, the Domestic Affairs Committee has worked with the Executive Office to draft two**  
18 **Criminal Code sections, Chapter 3, Section 3.13, "Unlawful Transporting of Illegal**  
19 **Alien(s)," and Chapter 3, Section 3.14, "Unlawful Harboring of Illegal Alien(s)"; and**
- 20 **WHEREAS, the enactment of these laws will protect public safety and health by criminalizing the**  
21 **transportation of illegal aliens within the Nation and the harboring of illegal aliens**  
22 **for the purpose of concealment from law enforcement; and**
- 23 **WHEREAS, the Domestic Affairs Committee and the Executive Office have determined that it is**  
24 **essential to take immediate action on these laws due to the critical nature of the**  
25 **impacts from the transporting and harboring of illegal aliens on the Nation; and**
- 26 **WHEREAS, it is also in the Nation's best interest to enact Criminal Code Chapter 1, Section 1.22,**  
27 **"Severability," which will clarify that the provisions of the Criminal Code remain in**  
28 **effect even if another provision may be held invalid; and**

RESOLUTION NO. 05-662

(Enacting Criminal Code Section 1.22, "Severability," Section 3.13, "Unlawful Transporting of Illegal Alien(s)," and Section 3.14, "Unlawful Harboring of Illegal Alien(s)")

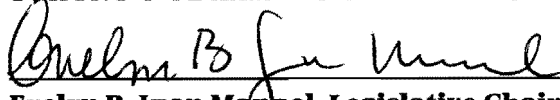
Page 2 of 3

1 WHEREAS, the Domestic Affairs Committee is recommending that the Legislative Council enact  
2 these laws in order to protect the public health, safety, and welfare of all persons on  
3 the Nation.

4 NOW, THEREFORE BE IT RESOLVED that the Legislative Council hereby enacts Criminal Code  
5 Section 1.22, Severability, Section 3.13, Unlawful Transporting of Illegal Alien(s), and  
6 Section 3.14, Unlawful Harboring of Illegal Alien(s), in the form attached hereto,  
7 which are hereby added to the Criminal Code of the Tohono O'odham Nation and  
8 shall become effective November 21, 2005.


9 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14<sup>TH</sup>. Day  
10 of NOVEMBER, 2005 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0-  
11 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by  
12 Section 1 (c)(1)(2) &(6) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by  
13 the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
14 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June  
15 18, 1934 (48 Stat. 984).

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17 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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20 Evelyn B. Juan Manuel, Legislative Chairwoman

21  
22 15<sup>th</sup> day of November, 2005


23  
24  
25 ATTEST:

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28 Lucille Lopez, Acting Legislative Secretary

29  
30 15<sup>th</sup> day of November, 2005.

31  
32 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono  
33 O'Odham Nation on the 15<sup>th</sup> day of November, 2005 at 4:26 o'clock,  
34 1<sup>st</sup>.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
35 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours  
36 of submittal.

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38 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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41 Evelyn B. Juan Manuel, Legislative Chairwoman

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**(Enacting Criminal Code Section 1.22, "Severability," Section 3.13, "Unlawful Transporting of Illegal Alien(s)," and Section 3.14, "Unlawful Harboring of Illegal Alien(s)")**

**Page 3 of 3**

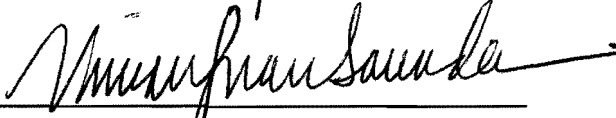
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APPROVED

on the 16 day of November, 2005

DISAPPROVED

at 3:35 o'clock, P.M.

  
\_\_\_\_\_  
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 16<sup>th</sup> day of

November, 2005, at 3:40 o'clock, P.M.

  
\_\_\_\_\_  
Lucille Lopez, Acting Legislative Secretary

**ACTION: ENACTING CRIMINAL CODE SECTION 1.22, "SEVERABILITY," SECTION 3.13, "UNLAWFUL TRANSPORTING OF ILLEGAL ALIEN(S)," AND SECTION 3.14, "UNLAWFUL HARBORING OF ILLEGAL ALIEN(S)"**

**MOVED: VICE CHAIRMAN VERLON JOSE**

**SECOND: COUNCILWOMAN DELMA GARCIA**

**DATE: NOVEMBER 14, 2005**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 310.8	1. FRANCES MIGUEL ( )	155.40	X			X
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
<b>CHUKUT KUK</b> 258.7	1. ETHEL GARCIA ( )	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
<b>GU ACHI</b> 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
<b>GU VO</b> 193.1	1. RAYMOND VICTOR ( )	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
<b>HICKIWAN</b> 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ( )	83.70	X			
<b>PISINEMO</b> 171.8	1. BARBARA SALVICIO ( )	85.90	X			
	2. GERALD FAYUANT ( )	85.90	X			
<b>SAN LUCY</b> 169.0	1. JOHN W. LAWSON, SR. ( )	84.50	X			
	2. GLORIA RAMIREZ ( )	84.50	X			
<b>SAN XAVIER</b> 193.8	1. FELICIA NUÑEZ ( )	96.90	X			X
	2. OLIVIA VILLEGAS-LISTON ( )	96.90	X			
<b>SCHUK TOAK</b> 146.9	1. FRANCES B. CONDE ( )	73.45	X			
	2. PHYLLIS JUAN ( )	73.45	X			
<b>SELLS</b> 421.0	1. DENNIS E. JOSE ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL ( )	210.50	X			
<b>SIF OIDAK</b> 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
<b>TOTAL</b>		<b>2,440.80</b>	<b>2,440.80</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>

**\*\*PASSED VOTES**