

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting the United States Department of Homeland Security, Customs and
Border Protection, to Gain Control of the International Border Within the
Tohono O'odham Nation with a Trial Tactical Checkpoint)**

RESOLUTION NO. 07-679

1 **WHEREAS, the United States Department of Homeland Security, Customs and Border Protection**
2 **("CBP"), is responsible for managing, securing and controlling the international**
3 **border within the Tohono O'odham Nation; and**

4 **WHEREAS, the CBP has proposed a tactical checkpoint to be operated at mile marker 26.5 on**
5 **Federal Route 15 and a backup location at mile marker 16.8 on Federal Route 15 and**
6 **has advised the Nation that all required environmental assessments have been**
7 **completed and approved on the above-identified sites; and**

8 **WHEREAS, CBP has received support from the impacted communities, the Sif Oidak District by**
9 **District Resolution No. 09-07-23, and the North Komelik community; and**

10 **WHEREAS, a tactical checkpoint will provide enforcement in depth on the Tohono O'odham**
11 **Nation in order to deny major routes of egress from the international border and**
12 **allow the Border Patrol to establish an additional layer of defense; and**

13 **WHEREAS, the tactical checkpoint would coincide with a reduction of illegal entries through the**
14 **Nation, including a reduction of smuggler traffic on Federal Route 15, and reduce**
15 **illegal activity in the Sif Oidak District; and**

16 **WHEREAS, CBP Border Patrol will operate the checkpoint in a safe manner, with utmost concern**
17 **for safety of the Tohono O'odham Nation tribal members, and, will in addition, work**
18 **cooperatively with the Tohono O'odham Police Department ("TOPD"), and other**
19 **partner law enforcement agencies; and**

20 **WHEREAS, CBP Border Patrol has agreed to contact the Tohono O'odham Utility Authority to**
21 **arrange power usage at the proposed sites, and to minimize the usage of a generator;**
22 **and**

23 **WHEREAS, this proposal was presented at the Tohono O'odham Legislative Council session held**
24 **on October 12, 2007.**

25 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby**
26 **conditionally approves the CBP Border Patrol's implementation of a trial tactical**
27 **checkpoint on Federal Route 15 at the above-identified sites, provided that the Nation**

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1 reserves the right to revoke its approval by subsequent resolution and further
2 provided that the CBP Border Patrol personnel shall:

- 3 (1) consult and coordinate with the Nation's Department of Public Safety ("TODPS")
4 to the maximum extent possible, and work with a liaison appointed by the TODPS
5 Director to provide public information and address concerns;
- 6 (2) respect the human and civil rights of the Nation's members and respond in a
7 timely manner to concerns regarding these issues;
- 8 (3) minimize any environmental impacts of their operations by not destroying
9 vegetation, littering, or otherwise injuring the Nation's lands, provided that the
10 National Guard may assist in constructing and improving border vehicle barriers
11 and fences;
- 12 (4) consult with the Nation's Cultural Affairs Office to avoid damage to cultural sites
13 or interruption of traditional ceremonies or celebrations;
- 14 (5) refrain from harassing the Tohono O'odham and comply with all applicable
15 federal laws, including but not limited to those governing searches, seizures,
16 vehicle and other stops;
- 17 (6) consider improving existing roads serving the Nation's members and its
18 communities as a means of improving community relations, lawful
19 transportation, communications and access;
- 20 (7) remove vehicles abandoned by smugglers and drug traffickers but refrain from
21 destroying or unnecessarily damaging such vehicles, which are often stolen from
22 the Nation's members or other innocent victims.

23 **BE IT FINALLY RESOLVED** that the CBP Border Patrol shall provide a daily report to the Sif Oidak
24 District Chairwoman and the TODPS during the checkpoint's initial 90-day trial
25 period, after which time an evaluation will be performed by the District and Nation in
26 consultation with TOPD and CBP Border Patrol on the checkpoints' effectiveness and
27 impacts.

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH. Day**
29 **of OCTOBER, 2007 at a meeting at which a quorum was present with a vote of 2,335.3 FOR; 199.2**
30 **AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by**
31 **Section 1(c)(1), (c)(2), and (c)(6); Section 1(f) and 1(j) of Article VI of the Constitution of the Tohono**
32 **O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by**
33 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**
34 **Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

17th day of October, 2007

ATTEST:

Gemma Lopez
Lucille Lopez, Acting Legislative Secretary

17 day of October, 2007.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 17th day of October, 2007 at 3:49 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 17 day of October, 2007

DISAPPROVED

at 3:55 o'clock, P.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

October, 2007, at 4:30 o'clock, P.M.

Gemma Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: SUPPORTING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, CUSTOMS AND BORDER PROTECTION, TO GAIN CONTROL OF THE INTERNATIONAL BORDER WITHIN THE TOHONO O'ODHAM NATION WITH A TRIAL TACTICAL CHECKPOINT

MOVED: COUNCILWOMAN WAVALENE ROMERO

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: OCTOBER 12, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			X
	2. FRANCES G. ANTONE ()	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			X
GU VO 199.2	1. GRACE MANUEL ()	99.60		X		X
	2. MICHAEL FLORES ()	99.60		X		
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			X
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			X
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,335.3	199.2	-0-	[05]

****PASSED VOTES**