

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Supporting Extension of the United States Department of Homeland Security Customs**  
**and Border Protection Operation of Tactical Checkpoint within the Tohono O'odham**  
**Nation Through June 30, 2008)**

**RESOLUTION NO. 08-120**

- 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 and has been operating a tactical checkpoint for**  
5 **approximately 90 days at mile marker 26.5 on Federal Route 15 and a backup**  
6 **location at mile marker 16.8 on Federal Route 15 and the CBP has informed the**  
7 **Nation that all required environmental assessments have been completed and**  
8 **approved for the above-mentioned sites; and**
- 9 **WHEREAS, CBP has received support for a permanent checkpoint from the impacted North**  
10 **Komelik Community and the Sif Oidak District Council (SODC Resolution No. 09-07-**  
11 **23); and**
- 12 **WHEREAS, the CBP believes that a tactical checkpoint has provided enforcement in depth on**  
13 **the Tohono O'odham Nation and has denied a major route of egress from the**  
14 **international border and this has allowed the Border Patrol to establish an**  
15 **additional layer of defense; and**
- 16 **WHEREAS, the CBP has also reported that the checkpoint's operation has coincided with a**  
17 **reduction of illegal entries through the Nation, including a reduction of smuggler**  
18 **traffic on Federal Route 15, and reduced illegal activity in the Sif-Oidak District; and**
- 19 **WHEREAS, CBP Border Patrol has further reported that it has operated the checkpoint in a safe**  
20 **manner with utmost concern for safety of the Tohono O'odham Nation tribal**  
21 **members and that CBP Border Patrol will continue to work cooperatively with the**  
22 **Tohono O'odham Police Department and other agencies of the Nation; and**
- 23 **WHEREAS, CBP Border Patrol is in the process of arranging the delivery of electrical power at**  
24 **the proposed sites through the Tohono O'odham Utility Authority in order to**  
25 **minimize generator usage; and**
- 26 **WHEREAS, CBP Border Patrol is also in the process of obtaining telephone service via the**  
27 **Tohono O'odham Utility Authority to allow Tohono O'odham members to contact**  
28 **checkpoint personnel and to otherwise increase safety; and**
- 29 **WHEREAS, the CBP Border Patrol has completed the 90-day tactical checkpoint trial period**  
30 **requested by the Sif-Oidak District Council as approved by Legislative Council**  
31 **Resolution No. 07-679; and**

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**(Supporting Extension of the United States Department of Homeland Security Customs and Border Protection Operation of Tactical Checkpoint within the Tohono O'odham Nation through June 30, 2008)  
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1 **WHEREAS, CBP Border Patrol did conduct a presentation to the Sif-Oidak District Council on**  
2 **January 12, 2008 and informed them of the completion of the 90-day trial basis and**  
3 **has requested the Legislative Council's approval for a permanent tactical**  
4 **checkpoint; and**

5 **WHEREAS, Resolution No. 07-679, which approved checkpoint operations for an initial 90-day**  
6 **period, also required an evaluation of the checkpoint's effectiveness and impacts**  
7 **but this evaluation has not yet been conducted.**

8 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby**  
9 **conditionally approves the CBP Border Patrol's continued operation of a tactical**  
10 **checkpoint on Federal Route 15 at the above-mentioned sites for the period from**  
11 **March 13, 2008 to June 30, 2008 subject to the additional limitations set forth in this**  
12 **resolution.**

13 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the Nation reserves**  
14 **the right to revoke or extend its approval by subsequent resolution.**

15 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Nation's approval**  
16 **of continued checkpoint operations is granted provided that CBP Border Patrol**  
17 **personnel shall:**

- 18 **(1) consult and coordinate with the Nation's Department of Public Safety**  
19 **("TODPS") to the maximum extent possible, and work with a liaison**  
20 **appointed by the TODPS Director to provide public information and address**  
21 **concerns;**
- 22 **(2) respect the human and civil rights of the Nation's members and respond in**  
23 **a timely manner to concerns regarding these issues;**
- 24 **(3) minimize any environmental impacts of their operations by not destroying**  
25 **vegetation, littering, or otherwise injuring the Nation's lands, provided that**  
26 **the National Guard may assist in constructing and improving border vehicle**  
27 **barriers and fences;**
- 28 **(4) consult with the Nation's Cultural Affairs Office to avoid damage to cultural**  
29 **sites or interruption of traditional ceremonies or celebrations;**
- 30 **(5) refrain from harassing the Tohono O'odham and comply with all applicable**  
31 **federal laws, including but not limited to those governing searches, seizures,**  
32 **vehicle and other stops;**

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- (6) consider improving existing roads serving the Nation's members and its communities as a means of improving community relations, lawful transportation, communications and access;
- (7) remove vehicles abandoned by smugglers and drug traffickers but refrain from destroying or unnecessarily damaging such vehicles, which are often stolen from the Nation's members or other innocent victims.
- (8) report on checkpoint operations a bi-weekly basis or as requested by the Sif-Oidak District Chairperson or Vice Chairperson, the Nation's Chairperson, or the Legislative Council.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11<sup>TH</sup> Day of MARCH, 2008 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) & (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
Verlon M. Jose, Legislative Chairman

13 day of March, 2008


ATTEST:

  
Lucille Lopez, Acting Legislative Secretary

11 day of March, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 13 day of March, 2008 at 12:05 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

  
Verlon M. Jose, Legislative Chairman

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**(Supporting Extension of the United States Department of Homeland Security Customs and Border Protection Operation of Tactical Checkpoint within the Tohono O'odham Nation through June 30, 2008)**

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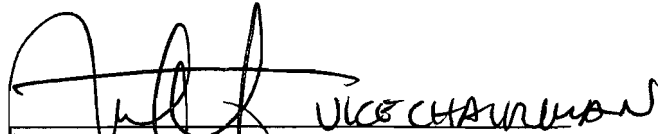
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APPROVED

on the 13 day of March, 2008

DISAPPROVED

at 12:09 o'clock, P.M.

  
\_\_\_\_\_  
NED NORRIS, JR. CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13 day of

March, 2008, at 12:10 o'clock, P.M.

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

**ACTION: SUPPORTING EXTENSION OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY CUSTOMS AND BORDER PROTECTION OPERATION OF TACTICAL CHECKPOINT WITHIN THE TOHONO O'ODHAM NATION THROUGH JUNE 30, 2008**

**MOVED: COUNCILMAN TIMOTHY JOAQUIN**

**SECOND: COUNCILWOMAN CYNTHIA MANUEL**

**DATE: MARCH 11, 2008**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>316.9</b>	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
<b>CHUKUT KUK</b> <b>264.8</b>	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			
<b>GU ACHI</b> <b>227.9</b>	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
<b>GU VO</b> <b>199.2</b>	1. GRACE MANUEL ( )	99.60	X			
	2. MICHAEL FLORES ( )	99.60	X			X
<b>HICKIWAN</b> <b>172.0</b>	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			
<b>PISINEMO</b> <b>182.4</b>	1. CHESTER ANTONE ( )	91.20	X			X
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> <b>181.1</b>	1. LORRAINE EILER ( )	90.55	X			X
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> <b>196.5</b>	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> <b>154.6</b>	1. FRANCES B. CONDE (Fredrick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> <b>444.7</b>	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> <b>194.4</b>	1. WAVALENE ROMERO ( )	97.20	X			X
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,534.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>

\*\*PASSED VOTES