

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing Arizona Senate Concurrent Resolution 1011 Relating to US/Mexico
Wall Construction)**

RESOLUTION NO. 21-115

1 **WHEREAS,** the Tohono O'odham and our ancestors have from time immemorial inhabited
2 lands from the Gila River area in present-day Arizona south to the Sea of Cortez in
3 northern Mexico and the Constitution of the Tohono O'odham Nation provides,
4 "It shall be the policy of the Tohono O'odham Nation to seek the return to the
5 Tohono O'odham Nation of lands and natural resources, including minerals and
6 water rights, within or adjacent to the Tohono O'odham Nation, or which
7 originally were a part of the historic Papagueria." (Constitution, Article XVI,
8 Section 9); and

9 **WHEREAS,** the Constitution of the Tohono O'odham Nation also vests the Legislative Council
10 with the authority to "promote, protect and provide for public health, peace,
11 morals, education and general welfare of the Tohono O'odham Nation and its
12 members" and to "consult, negotiate and conclude agreements and contracts on
13 behalf of the Tohono O'odham Nation with Federal, State and local governments
14 . . . on all matters within the authority of the Tohono O'odham Council
15 (Constitution, Article VI, Section 1(c)(2) and Section 1(f)); and

16 **WHEREAS,** in 1854, the United States created an international boundary with Mexico that
17 cuts through Tohono O'odham lands and that forms the 62-mile southern
18 boundary of the Tohono O'odham Nation's main reservation; and

19 **WHEREAS,** although there are numerous Legislative Council resolutions addressing the
20 international boundary with Mexico and presence of Customs and Border
21 Protection on the Nation's lands, the most recent Resolution No. 17-053 describes
22 the Nation's members experience with the direct negative impacts from illegal
23 immigration and drug trafficking across the international boundary, including
24 violence and crime, but also the unique status of Nation's lands and the
25 obligation to ensure that tribal members' rights and the Nation's sovereignty are
26 protected; and

27 **WHEREAS,** by Resolution No. 17-053, the Legislative Council supported the construction and
28 maintenance of vehicle barriers on the Nation's southern boundary with Mexico
29 in accordance with prior Legislative Council resolutions and laws of the Nation,
30 federal laws, and regulations governing the use of tribal lands, but opposed the
31 construction of a physical wall on the Nation's southern boundary and the
32 application of Illegal Immigration Reform and Immigrant Responsibility Act of
33 1996 Section 102(c) waivers of federal and other laws on the Nation's laws; and
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Page 2 of 3

1 **WHEREAS, on January 20, 2021, President Joseph R. Biden by Proclamation on the**
2 **Termination of Emergency with Respect to the Southern Border of the United**
3 **States and Redirection of Funds Diverted to Border Wall Construction halted**
4 **construction of the southern border wall; and**

5 **WHEREAS, at the Arizona State Legislature, Arizona State Senator Gail Griffin introduced**
6 **Senate Concurrent Resolution 1011 to ask the President and Congress to take**
7 **immediate action to secure the southern border by completing the southern**
8 **border wall; and**

9 **WHEREAS, while the Nation has supported border security enforcement measures,**
10 **including the construction of vehicle barriers, the maintenance of border fence**
11 **roads, the construction and operation of two forward operating bases, the**
12 **authorization of pre-development activities for border surveillance**
13 **technologies, the establishment of Customs and Border Protection checkpoints**
14 **on reservation highways, and the expenditure of Nation's resources for border-**
15 **related law enforcement measures, the Nation opposes the waiver of federal**
16 **environmental and archeological protection laws such as the National**
17 **Environmental Protection Act, Archeological Protection Act, Clean Air Act, Native**
18 **American Graves Protection and Repatriation Act and the construction of a**
19 **continuous border wall (Resolution No. 17-053); and**

20 **WHEREAS, the Domestic Affairs and Appropriations Committees recommend opposing**
21 **Arizona Senate Concurrent Resolution 1011.**

22 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council opposes**
23 **Arizona Senate Concurrent Resolution 1011 in accordance with the border**
24 **security and immigration enforcement positions stated in Resolution No. 17-053.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH**
26 **day of APRIL, 2021 at a meeting at which a quorum was present with a vote of 2,983.3 FOR; 192.4**
27 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
28 **Article III, Article VI, Section 1(c),(f)(i)(j) and Section 2(d); Article XVI; Article XVIII of the**
29 **Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on**
30 **January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
31 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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33 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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37 **Timothy Joaquin, Legislative Chairman**

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39 18 day of April, 2021
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Page 3 of 3

1 ATTEST:

2 *Evonne Wilson*

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4 Evonne Wilson, Legislative Secretary

5 8 day of April, 2021

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 12 day of April, 2021 at 4:37 o'clock, P.m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.

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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

15 *Timothy C. Joaquin, Jr.*
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18 Timothy Joaquin, Legislative Chairman

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22 APPROVED

23 on the 12 day of April, 2021

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25 DISAPPROVED

26 at 4:53 o'clock, P.m.

27 *Ned Norris, Jr.*
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29 NED NORRIS, JR., CHAIRMAN
30 TOHONO O'ODHAM NATION

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35 Returned to the Legislative Secretary on the 12 day of

36 April, 2021, at 5:08 o'clock, P.m.

37 *Evonne Wilson*
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41 Evonne Wilson, Legislative Secretary

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ACTION: OPPOSING ARIZONA SENATE CONCURRENT RESOLUTION 1011 RELATING TO US/MEXICO WALL CONSTRUCTION

Moved: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN GRACE MANUEL

DATE: APRIL 08, 2021

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|--|----------------|----------------|--------------|------------|-------------|
| BABOQUIVARI 384.8 | 1. LEANDER MASE (Francine Schooling) | 192.40 | | X | | |
| | 2. ALBERTA J. RAY (Frances G. Antone) | 192.40 | X | | | |
| CHUKUT KUK 347.5 | 1. VIVIAN JUAN-SAUNDERS (Juanita Homer) | 173.75 | X | | | |
| | 2. MARLAKAY HENRY (Billman Lopez) | 173.75 | X | | | |
| GUACHI 279.3 | 1. VICTORIA HOBBS () | 139.65 | X | | | |
| | 2. TIMOTHY L. JOAQUIN (<i>Absent</i>) (Louis L. Johnson) (<i>Present</i>) | 139.65 | X | | | X |
| GU VO 264.5 | 1. DALLAS LEWIS (Nacho Flores) | 132.25 | X | | | X |
| | 2. GRACE MANUEL () | 132.25 | X | | | |
| HICKIWAN 213.8 | 1. SANDRA D. ORTEGA () | 106.90 | X | | | |
| | 2. LOUIS R. LOPEZ (Delma M. Garcia) | 106.90 | X | | | |
| PISINEMO 230.7 | 1. MONICA K. MORGAN () | 115.35 | X | | | |
| | 2. MARIETTA MARTIN () | 115.35 | X | | | |
| SAN LUCY 235.6 | 1. GLORIA RAMIREZ () | 117.80 | X | | | |
| | 2. JANA MONTANA (Lorraine M. Eiler) | 117.80 | X | | | |
| SAN XAVIER 238.9 | 1. JANICE FELIX (Adam Andrews) | 119.45 | X | | | |
| | 2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner) | 119.45 | X | | | |
| SCHUK TOAK 189.0 | 1. QUINTIN C. LOPEZ (Agnes V. Joaquin) | 94.50 | X | | | |
| | 2. TERESA F. DONAHUE (Alberta Espinoza) | 94.50 | X | | | |
| SELLS 547.1 | 1. EVELYN JUAN MANUEL () | 273.55 | X | | | |
| | 2. ARTHUR WILSON () | 273.55 | X | | | |
| SIF OIDAK 244.5 | 1. LUCINDA ALLEN (Yolonda Garcia) | 122.25 | X | | | |
| | 2. MARY LOPEZ (Ann M. Garcia) | 122.25 | X | | | |
| TOTAL | | 3,175.7 | 2,983.3 | 192.4 | -0- | [02] |