

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Opposing Border Wall Construction Activities and Acts of Civil Trespass)**

**RESOLUTION NO. ~~26-264~~**

1 **WHEREAS, "The unallotted lands of the Tohono O'odham Nation and all lands hereafter**  
2 **acquired by the nation, or held for the use of the nation or its members, are a**  
3 **valuable public resource and shall be held as national lands forever. Control**  
4 **and management thereof are vested in the Tohono O'odham Council, which may**  
5 **enact laws governing the use, assignment, permit, lease or other disposition of**  
6 **lands, interests in land and resources of the nation consistent with Federal law."**

7 **(Constitution of the Tohono O'odham Nation, Article XVI, Section 1); and**

8 **WHEREAS, the Legislative Council has a duty "to manage, protect, preserve and regulate the**  
9 **use of the property, wildlife, land, air and natural resources (including surface**  
10 **and ground waters) of the Tohono O'odham Nation" and to "administer land and**  
11 **other public property, and by law, ordinance or resolution . . . to prevent the**  
12 **sale, disposition, lease, use or encumbrance of Tohono O'odham national lands,**  
13 **interests in lands, rights-of-way, or other public resources when such sale,**  
14 **disposition, lease, use or encumbrance will, in the opinion of the Tohono**  
15 **O'odham Council, be injurious to the best interests of the Tohono O'odham**  
16 **Nation as a whole" (Constitution, Article VI, Section 1(i)(1) and (2)); and**

17 **WHEREAS, as United States Customs and Border Protection ("CBP") has acknowledged,**

18  
19 **unlike national forests, wilderness areas, and other federal lands on the**  
20 **international boundary dividing the United States and Mexico, the**  
21 **Nation's reservation is not public land, it is reserved for the benefit of the**  
22 **Nation and its members . . . [and] [p]ursuant to 25 C.F.R. § 169.107(a), CBP**  
23 **must obtain the Nation's consent for rights-of-way across tribal land, "in**  
24 **the form of a tribal authorization and a written agreement with the**  
25 **tribe[.]"**

26  
27 **"Agreement Between the Tohono O'odham Nation and United States Customs**  
28 **and Border Protection for Conditions for Grants of Easement for Rights-of-Way**  
29 **for Integrated Fixed Tower Project, Access and Approach Roads, and Traditional**  
30 **Northern Road" (IFT Agreement), Recitals (emphasis added); and**

31  
32 **WHEREAS, uses of unallotted Nation's lands by nonmembers must be approved by**  
33 **Legislative Council resolution, Nation's law, or a lease or other agreement**

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**WHEREAS, while the Nation's lands are reserved for the benefit of the Nation and its members, the Nation permits nonmembers to enter its lands to engage in various activities that benefit members and nonmembers alike; it hosts, educates, employs, provides medical care, feeds, and entertains fellow Arizonans and people from around the world at its Cultural Center and Museum, Community College campuses, public and private schools, award-winning Archie Hendricks Nursing Care Facility, farms, hotel, and gaming facilities; and**

**WHEREAS; while the Nation has supported numerous border security measures on its lands for many years, it opposes the construction of a border wall on its lands (Resolution No. 17-053, Resolution No. 18-032, Resolution No. 21-115); and**

**WHEREAS, despite the Nation's opposition, the Department of Homeland Security has entered into a contract with SLS Federal Services LLC (SLS) to demolish existing vehicle barriers approved by the Nation and construct a new primary border wall, secondary vertical barrier (as an "option"), various road(s) and power, cameras, light poles, infrared illuminators, linear ground detection system and shelters on the Nation, construct wells and use Nation's water, and to engage in associated ground disturbance, surveys, testing, or other construction and pre-construction activities (collectively, "border wall construction activities"), and has notified the Nation that SLS will enter the Nation for those activities; and**

**WHEREAS, existing rights-of-way, leases, well permits, and other approvals granted by the Nation do not authorize or permit border wall construction activities on the Nation; no existing public right-of-way extends all the way to the Reservation's southern boundary; and various rights-of-way that the Nation has granted to CBP are limited to their expressed purpose, such as patrol activities or maintenance of approved border roads, and do not authorize access for any border wall construction activities; and**

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1 **WHEREAS;** "all persons who are not members of the Tohono O'odham Nation and who are  
2 not, by the provisions of [19 T.O.C. Chapter 7], authorized to enter, traverse or be  
3 within the exterior boundaries of the Tohono O'odham Nation, are excluded  
4 from all or any part of the lands within the exterior boundaries of the Tohono  
5 O'odham Nation," 19 T.O.C. Chapter 7; and

6 **WHEREAS,** in addition, "[a]ny person who enters or otherwise occupies lands or structures  
7 within the exterior boundaries of the Nation or other lands of the Nation without  
8 the requisite consent, permission, or authorization" of the Nation commits civil  
9 trespass (4 T.O.C. Chapter 2); and

10 **WHEREAS,** border wall construction activities on the Nation's lands would constitute civil  
11 trespass and unlawful diminishment of the Nation's reservation; and

12 **WHEREAS,** the "Nation's districts lack authority to authorize or approve uses of national  
13 lands or the Nation's resources by nonmembers except when expressly  
14 authorized by Article XVI, Section 5 of the Nation's Constitution or a Nation's  
15 law," and any district authorization or approval for the Department of  
16 Homeland Security, its agencies or contractors to use national lands or  
17 resources without the Nation's approval in accordance with Nation's laws for  
18 border construction activities is invalid; Constitution Article XVI, Section 5; 4  
19 T.O.C. Chapter 2, Section 1.5.D.; and

20 **WHEREAS,** United States Customs and Border Protection has drafted and obtained invalid  
21 district-level authorizations to construct illegal roads, install surveillance  
22 technology, and otherwise use Nation's lands without the Nation's authorization  
23 and in violation of Nation's laws and federal laws and regulations; and

24 **WHEREAS,** it is in the Nation's interest to exercise its inherent sovereign authority to  
25 protect its people, land, water, animals, natural resources, culture, and  
26 territorial integrity; and its authority to govern in order to advance the  
27 economic security, health, and welfare of the Nation and its members; and

28 **WHEREAS,** the Nation's people, lands, water, animals, natural resources, sacred places,  
29 cultural resources, and relationship to the land are interconnected through  
30 Himdag, and border wall construction activities and associated ground  
31 disturbance threaten these relationships and will adversely impact the Nation's  
32 cultural resources and O'odham way of life; and  
33

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1 **WHEREAS, the Domestic Affairs, Cultural Preservation and Agricultural and Natural**  
2 **Resources Committees have reviewed this Resolution and recommend its**  
3 **approval.**

4 **NOW, THEREFORE, BE IT RESOLVED, that the Legislative Council reaffirms its opposition to all**  
5 **border wall construction activities on the Nation.**

6 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the presence of**  
7 **any contractor or other person or organization or their property on the Nation's**  
8 **lands, including within rights-of-way, in connection with border wall**  
9 **construction activities is injurious to the best interests of the Tohono O'odham**  
10 **Nation as a whole, contrary to resolutions opposing the border wall, and is**  
11 **prohibited.**

12 **BE IT FURTHER RESOLVED that border wall construction activities are outside the scope of any**  
13 **existing agreement, right-of-way, lease, contract, or other authorization**  
14 **approved by the Nation or to which the Nation is a party.**

15 **BE IT FURTHER RESOLVED by the Legislative Council that staging areas, laydown yards, or**  
16 **similar areas on the Nation, including north of the Nation's international**  
17 **boundary near San Miguel Gate, Ali Chuk, and south of Papago Farms, that are**  
18 **not authorized by Legislative Council action are hereby closed to entry or use,**  
19 **and the Nation's chairperson is authorized and directed to take any necessary**  
20 **actions consistent with the Nation's laws to enforce these closures.**

21 **BE IT FINALLY RESOLVED that any district authorization or approval for the United States,**  
22 **including the Department of Homeland Security and its agencies or contractors,**  
23 **to use the Nation's lands or resources for roads, physical infrastructure**  
24 **including barriers or surveillance technologies, or for any other purposes**  
25 **without Legislative Council approval is invalid, and the Nation hereby affirms**  
26 **that the United States, including the Department of Homeland Security and**  
27 **Customs and Border Protection, must negotiate with the Nation for any grants,**  
28 **leases, authorizations, or agreements necessary to authorize such uses of**  
29 **Nation's lands and resources.**

30 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12<sup>TH</sup>**  
31 **day of AUGUST 2026 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0-**  
32 **AGAINST; [02] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council**  
33 **Article VI, Section 1 and 2: Article XVI, Article XVII; XVIII of the Constitution of the Tohono**  
34 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved**  
35 **by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,**  
36 **pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**  
37

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Wavalene M. Saunders  
Wavalene M. Saunders, Legislative Chairwoman

13 day of August, 2026

ATTEST:

Evonne Wilson  
Evonne Wilson, Legislative Secretary

13 day of August, 2026

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of August, 2026 at 4:30 o'clock, a.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

Wavalene M. Saunders  
Wavalene M. Saunders, Legislative Chairwoman

☒ APPROVED

on the 13 day of August, 2026

☐ DISAPPROVED

at 2:30 o'clock, P.m.

Verlon M. Jose  
VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13 day of

August, 2026, at 4:29 o'clock, P.m.

Evonne Wilson  
Evonne Wilson, Legislative Secretary

**ACTION: OPPOSING BORDER WALL CONSTRUCTION ACTIVITIES AND ACTS OF CIVIL TRESPASS****MOVED: COUNCILWOMAN VIVIAN JUAN-SAUNDERS****SECOND: COUNCILMAN ROGER MANUEL****DATE: AUGUST 12, 2026**

| DISTRICT                    | LEGISLATIVE REPRESENTATIVES                                                                | # OF VOTES       | FOR            | AGAINST    | NOT VOTING  | ABSENT      |
|-----------------------------|--------------------------------------------------------------------------------------------|------------------|----------------|------------|-------------|-------------|
| <b>SIF OIDAK</b><br>251.2   | 1. WAVALENE M. SAUNDERS<br>(Mary Lopez)<br>2. FRANCIS HOMEWYTEWA<br>(Dionne Kuth-Le)       | 125.6<br>125.6   | X<br>X         |            |             | X           |
| <b>SELLS</b><br>565.7       | 1. JANET B. ELEANDO<br>( )<br>2. EVELYN JUAN MANUEL<br>(Juan Buendia)                      | 282.85<br>282.85 | X<br>X         |            | X           |             |
| <b>SCHUK TOAK</b><br>195.3  | 1. THEORIA CAMPILLO<br>(Rebecca Ann Valentine)<br>2. DELISA M. RAMON<br>(Quintin C. Lopez) | 97.65<br>97.65   | X<br>X         |            | X           |             |
| <b>SAN XAVIER</b><br>249.8  | 1. DANIEL L.A. PRESTON III<br>( )<br>2. JANICE FELIX<br>( )                                | 124.9<br>124.9   | X<br>X         |            |             |             |
| <b>SAN LUCY</b><br>266.3    | 1. GLORIA M. RAMIREZ<br>(Lorraine M. Eiler)<br>2. ROGER MANUEL<br>(Christina Andrews)      | 133.15<br>133.15 | X<br>X         |            |             |             |
| <b>PISINEMO</b><br>240.3    | 1. PAMELA J. BENAVIDEZ<br>(Nora J. Ruelas)<br>2. NAOMI MONTE<br>(Edward D. Manuel)         | 120.15<br>120.15 | X<br>X         |            |             | X           |
| <b>HICKIWAN</b><br>222.9    | 1. LOUIS R. LOPEZ<br>(Loretta A. Ortega)<br>2. DELMA M. GARCIA<br>( )                      | 111.45<br>111.45 | X<br>X         |            |             |             |
| <b>GU VO</b><br>279.6       | 1. LESLIE LUNA<br>( )<br>2. BENNETT CHEWING<br>( )                                         | 139.8<br>139.8   | X<br>X         |            |             |             |
| <b>GU ACHI</b><br>289.2     | 1. GLORIA JOHNSON<br>(Rodney T. Aguilla)<br>2. LUCIUS E. LOPEZ<br>(Victoria A. Hobbs)      | 144.6<br>144.6   | X<br>X         |            |             | X           |
| <b>CHUKUT KUK</b><br>361.9  | 1. MARLAKAY HENRY<br>( )<br>2. VIVIAN JUAN-SAUNDERS<br>(Cornelius Antone)                  | 180.95<br>180.95 | X<br>X         |            |             |             |
| <b>BABOQUIVARI</b><br>398.9 | 1. JESSE NAVARRO<br>( )<br>2. NED NORRIS, JR.<br>(Leander Mase)                            | 199.45<br>199.45 | X<br>X         |            |             |             |
| <b>TOTAL</b>                |                                                                                            | <b>3,321.1</b>   | <b>3,321.1</b> | <b>-0-</b> | <b>[02]</b> | <b>[03]</b> |