

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Condemning Illegal Diminishment of the Nation's Reservation, Trespass,
and Use of Bureau of Indian Affairs and Other Federal Agents Against
the Nation in Violation of the Duty to Support Tribal Self-Government
and Protect Indian Lands and Resources)**

RESOLUTION NO. 26-356

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,** **as United States Customs and Border Protection ("CBP") has acknowledged,**
9
10 **unlike national forests, wilderness areas, and other federal lands on the**
11 **international boundary dividing the United States and Mexico, the Nation's**
12 **reservation is not public land, it is reserved for the benefit of the Nation and its**
13 **members**

14
15 **"Agreement Between the Tohono O'odham Nation and United States Customs**
16 **and Border Protection for Conditions for Grants of Easement for Rights-of-Way**
17 **for Integrated Fixed Tower Project, Access and Approach Roads, and Traditional**
18 **Northern Road" (IFT Agreement), Recitals (emphasis added); and**

19
20 **WHEREAS;** **while the Nation has supported numerous border security measures on its lands**
21 **for many years, it opposes the construction of a destructive border wall on its**
22 **lands (Resolution No. 17-053, Resolution No. 18-032, Resolution No. 21-115,**
23 **Resolution No. 26-264); and**

24 **WHEREAS,** **the National Congress of American Indians likewise opposes "the construction**
25 **of a physical wall on the southern border of the United States on tribal lands**
26 **without the consent of affected tribes" National Congress of American Indians**
27 **Resolution ECWS-17-002; and**

28 **WHEREAS,** **numerous non-Indian border communities and faith communities are also**
29 **negatively impacted by a physical wall and related infrastructure on federal,**
30 **state, and private lands on the Mexican border and oppose their construction;**
31 **and**

RESOLUTION NO. 26-356

(Condemning Illegal Diminishment of the Nation's Reservation, Trespass, and Use of Bureau of Indian Affairs and Other Federal Agents Against the Nation in Violation of the Duty to Support Tribal Self-Government and Protect Indian Lands and Resources)
Page 2 of 4

1 **WHEREAS,** despite the Nation's opposition, the Department of Homeland Security has
2 entered into a contract and deployed contractors onto the Nation's Main
3 Reservation to illegally construct a primary border wall, secondary vertical
4 barrier (as an "option"), various road(s) and power, cameras, light poles,
5 infrared illuminators, linear ground detection system and shelters, and wells
6 using Nation's water, and to engage in associated ground disturbance, surveys,
7 testing, or other construction and pre-construction activities (collectively,
8 "border wall construction activities"); and

9 **WHEREAS,** the Nation's people, lands, water, animals, natural resources, sacred places,
10 cultural resources, and relationship to the land are interconnected through
11 Himdag, and border wall construction activities and associated ground
12 disturbance threaten these relationships and will adversely impact the Nation's
13 cultural resources and O'odham way of life; and

14 **WHEREAS,** the United States Department of Homeland Security (DHS) Consultation and
15 Coordination with Tribal Nations Directive Number: 071-04 mandates
16 consultation with an Indian Tribe when DHS is planning to take an action that
17 causes, or is likely to cause, a substantial direct effect on the self-government,
18 trust interests, or other rights of an Indian tribe; and

19 **WHEREAS,** instead of consulting with the Nation as legally required, DHS and its component
20 agencies, United States Customs and Border Protection and United States
21 Border Patrol, have declared that they will build a destructive wall on the Nation
22 and have given the Nation as little as two minutes' advance notice that
23 contractors are entering the Nation's Main Reservation to illegally conduct
24 construction activities that undermine the Nation's powers of self-government
25 and rights; and

26 **WHEREAS,** in direct violation of the Bureau of Indian Affairs' (BIA) duty to support tribal
27 self-government and protect Indian lands and resources, and the BIA Office of
28 Justice Services' (OJS) mission to uphold tribal sovereignty, the BIA-OJS has
29 deployed armed agents against the Tohono O'odham Nation on the Nation's
30 lands to support trespassing border wall contractors; and

31 **WHEREAS,** border wall construction on the Nation's lands would unlawfully diminish the
32 Nation's reservation; and

RESOLUTION NO. 26-356

(Condemning Illegal Diminishment of the Nation's Reservation, Trespass, and Use of Bureau of Indian Affairs and Other Federal Agents Against the Nation in Violation of the Duty to Support Tribal Self-Government and Protect Indian Lands and Resources)
Page 3 of 4

WHEREAS, border wall construction has destroyed or will destroy the lands, water, animals, natural resources, sacred places, and cultural resources of tribes across the United States' southern boundary with Mexico; and

WHEREAS, it is in the Nation's interests to coordinate with other tribal governments and organizations to oppose this destruction; and

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

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:

- (1) reaffirms its opposition to all border wall construction activities on the Nation and other tribal lands without express tribal consent;**
- (2) condemns the BIA-OJS's deployment of armed agents against the Tohono O'odham Nation on the Nation's lands; and**
- (3) calls on the Secretary for the Department of the Interior and the Assistant Secretary-Indian Affairs to publicly commit that their personnel will not be deployed to support border wall construction within Indian country or on aboriginal tribal lands without tribal consent and will not otherwise violate their duty to support tribal self-government and protect Indian lands and resources.**

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Border Security Delegation is authorized to incorporate the provisions of this Resolution into a resolution to be filed by the Nation's chairperson for the NCAI Annual Convention and Marketplace on October 18-22, 2026 opposing the diminishment of tribal reservations, civil trespass, violations of sovereignty, and other actions documented in Legislative Council resolutions.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND day of SEPTEMBER 2026 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0- AGAINST; [01] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 and 2; Article XVI, Article XVII; XVIII 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).

RESOLUTION NO. 26-356

(Condemning Illegal Diminishment of the Nation's Reservation, Trespass, and Use of Bureau of Indian Affairs and Other Federal Agents Against the Nation in Violation of the Duty to Support Tribal Self-Government and Protect Indian Lands and Resources)
Page 4 of 4

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Wavalene M. Saunders, Legislative Chairwoman

24 day of September, 2026

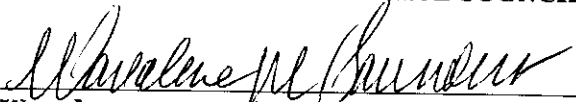
ATTEST:


Evonne Wilson, Legislative Secretary

24 day of September, 2026

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 24 day of September, 2026 at 10:08 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

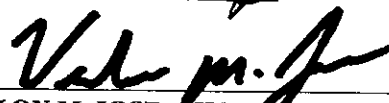

Wavalene M. Saunders, Legislative Chairwoman

☒ APPROVED

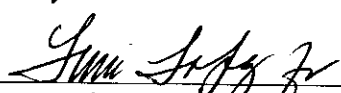
on the 24 day of September, 2026

☐ DISAPPROVED

at 2:03 o'clock, P.m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24 day of
September, 2026, at 2:07 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: CONDEMNING ILLEGAL DIMINISHMENT OF THE NATION'S RESERVATION, TRESPASS, AND USE OF BUREAU OF INDIAN AFFAIRS AND OTHER FEDERAL AGENTS AGAINST THE NATION IN VIOLATION OF THE DUTY TO SUPPORT TRIBAL SELF-GOVERNMENT AND PROTECT INDIAN LANDS AND RESOURCES

MOVED: COUNCILMAN BENNETT CHEWING

SECOND: COUNCILWOMAN JANET B. ELEANDO

DATE: SEPTEMBER 22, 2026

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (Mary Lopez) 2. FRANCIS HOMEWYTEWA (Dionne Kuth-Le)	125.6 125.6	X X			
SELLS 565.7	1. JANET B. ELEANDO () 2. EVELYN JUAN MANUEL (Juan Buendia)	282.85 282.85	X X			
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine) 2. DELISA M. RAMON (Quintin C. Lopez)	97.65 97.65	X X		X	
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III () 2. JANICE FELIX ()	124.9 124.9	X X			
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	133.15 133.15	X X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas) 2. NAOMI MONTE (Edward D. Manuel)	120.15 120.15	X X			
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega) 2. DELMA M. GARCIA ()	111.45 111.45	X X			
GU VO 279.6	1. LESLIE LUNA () 2. BENNETT CHEWING ()	139.8 139.8	X X			
GUACHI 289.2	1. GLORIA JOHNSON (Rodney T. Aguilla) 2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6 144.6	X X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY () 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95 180.95	X X			X
BABOQUIVARI 398.9	1. JESSE NAVARRO () 2. NED NORRIS, JR. (Leander Mase)	199.45 199.45	X X			X
TOTAL		3,321.1	3,321.1	-0-	[01]	[02]