

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Granting Limited Right to Access Nation's Lands for Shadow Wolves Documentary)**

**RESOLUTION NO. 12-338**

**1 WHEREAS, the Constitution of the Tohono O'odham Nation provides that:**

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

**8           (Constitution, Article XVI, Section 1); and**

**9 WHEREAS, the Tohono O'odham Nation exercises jurisdiction over its lands and has enacted the**  
**10           Tohono O'odham Agricultural and Range Resource Management Trespass Ordinance**  
**11           (Ordinance No. 03-01), the Removal and Exclusion of Non-Members Ordinance**  
**12           (Ordinance No. 97-02), and other laws to restrict and condition access to the Nation's**  
**13           lands (19 T.O.C. Chapter 1 and 4 T.O.C. Chapter 2); and**

**14 WHEREAS, in 1974, the then U.S. Customs Service began the Shadow Wolves Program comprised**  
**15           of Native American customs patrol officers known for their ability to track alien and**  
**16           drug smugglers mainly relying on traditional methods of tracking to combat**  
**17           smuggling on the Tohono O'odham Nation (Immigration and Customs Enforcement**  
**18           F a c t   S h e e t :   S h a d o w   W o l v e s ,   a v a i l a b l e   a t**  
**19           <http://www.ice.gov/news/library/factsheets/shadow-wolves.htm>); and**

**20 WHEREAS, the Shadow Wolves Program, currently a part of the U.S. Department of Homeland**  
**21           Security Immigration and Customs Enforcement, is the only program of its kinds in**  
**22           the United States incorporating the traditional methods of Native Americans to**  
**23           implement federal border policies; and**

**24 WHEREAS, the Heard Museum and documentary filmmaker Ty Kim have approached and**  
**25           requested the Nation's permission to produce a documentary of the Shadow Wolves**  
**26           on the Tohono O'odham Nation's lands; and**

**27 WHEREAS, the Heard Museum and Mr. Kim have obtained permission from the United States**  
**28           Department of Homeland Security and the Immigration and Customs Enforcement**  
**29           Shadow Wolves to film the documentary, which the Heard Museum will use exclusively**  
**30           for educational and non-commercial purposes; and**

**RESOLUTION NO. 12-338**

**(Granting Limited Right to Access Nation's Lands for Shadow Wolves Documentary)**

**Page 2 of 4**

1 **WHEREAS, Mr. Kim and the Heard Museum (hereafter, "Documentary Producers") have agreed**  
2 **to provide internships to two enrolled Nation's members to assist in the making of the**  
3 **documentary film; and**

4 **WHEREAS, the Documentary Producers have agreed to coordinate with the Nation's Cultural**  
5 **Center and Museum, Cultural Affairs Office, and Nation's Education Department**  
6 **before and after completing the documentary in order to maximize the film's benefits**  
7 **to all Nation's members; and**

8 **WHEREAS, the Domestic Affairs and Cultural Preservation Committees have reviewed the**  
9 **proposal and recommend that the Legislative Council grant a limited right to the**  
10 **Documentary Producers to access the Nation's lands for filming the Shadow Wolves**  
11 **documentary.**

12 **NOW, THEREFORE, BE IT RESOLVED by the Legislative Council that it hereby grants the**  
13 **Documentary Producers and any necessary crew or personnel a limited right to access**  
14 **the Nation's lands to film a non-commercial documentary of the Shadow Wolves**  
15 **subject to the following conditions:**

- 16 **1. Prior to filming, the Documentary Producers shall provide the Nation's chairman**  
17 **with a list of the names of necessary crew and other personnel;**
- 18 **2. Prior to filming in any district, the Documentary Producers shall notify the district**  
19 **chairperson and vice-chairperson;**
- 20 **3. Documentary Producers and necessary crew or personnel shall be respectful of**  
21 **the Nation's members and way of life;**
- 22 **4. Documentary Producers and necessary crew or personnel shall respect the**  
23 **Nation's lands by not destroying vegetation, littering, or otherwise degrading the**  
24 **Nation's lands and will make efforts to minimize any impacts to the Nation's**  
25 **environmental resources;**
- 26 **5. Documentary Producers will consult with the Nation's Cultural Affairs Office to**  
27 **avoid damage to cultural sites or interruption of traditional ceremonies or**  
28 **celebrations;**
- 29 **6. The Tohono O'odham Nation's official position on border issues and other matters**  
30 **related to the documentary will be presented solely by the Nation's elected officials**

**RESOLUTION NO. 12-338**

**(Granting Limited Right to Access Nation's Lands for Shadow Wolves Documentary)**

**Page 3 of 4**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

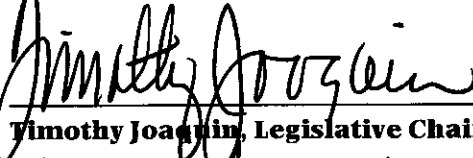
or by Nation's staff designed by the Nation's chairperson or Domestic Affairs Committee; and

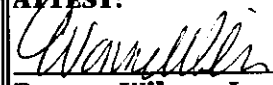
7. Documentary Producers shall coordinate with the Nation's Cultural Center and Museum and the Nation's Education Department to identify at least two enrolled members of the Nation who will be offered internships and participate in the project; and

8. Documentary Producers will offer the Nation's Cultural Center and Museum the right and opportunity to show the Shadow Wolves documentary without cost to the Cultural Center and Museum.

**BE IT FINALLY RESOLVED by the Legislative Council that the limited right to access granted by this resolution shall expire on March 1, 2013.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29<sup>TH</sup> Day of AUGUST, 2012 at a meeting at which a quorum was present with a vote of 2,382.90 FOR; 397.70 AGAINST; [02] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1 of Article XVI and Section 1 (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  
  
Timothy Joaquin, Legislative Chairman  
31 day of August, 2012

ATTEST:  
  
Evonne Wilson, Legislative Secretary  
30 day of August, 2012

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 31 day of August, 2012 at 8:41 o'clock, A.M., pursuant to the provisions of Section 4 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.

**RESOLUTION NO. 12-338**

**(Granting Limited Right to Access Nation's Lands for Shadow Wolves Documentary)**

**Page 4 of 4**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 31 day of August, 2012

DISAPPROVED

at 9:00 o'clock, a.M.

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

Returned to the Legislative Secretary on the 31 day of

August, 2012, at 10:00 o'clock, a.M.

  
Evonne Wilson, Legislative Secretary

ACTION: GRANTING LIMITED RIGHT TO ACCESS NATION'S LANDS FOR SHADOW WOLVES DOCUMENTARY

MOVED: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: AUGUST 29, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0		X		
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X		X	
	2. BILLMAN LOPEZ ( )	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ( )	122.45	X			X
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35		X		
	2. PAMELA ANGHILL ( )	113.35		X		X
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ( )	93.15	X			
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			X
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ( )	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ( )	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ( )	105.95	X		X	
	2. MARY LOPEZ ( )	105.95	X			
TOTAL		2,780.60	2,382.90	397.70	[02]	[03]