Resolution 0117

Border Security and Immigration Enforcement on Tribal Lands

WHEREAS, the Inter Tribal Association of Arizona, an association of 21 tribal governments in Arizona, provides a forum for tribal governments to advocate for national, regional and specific tribal concerns and to join in united action to address these concerns; and

WHEREAS, the Member Tribes of the Inter Tribal Association of Arizona have the authority to act to further their collective interests as sovereign tribal governments; and

WHEREAS, the Inter Tribal Association of Arizona has the charge to support and represent particular Member Tribes on matters directly affecting them upon their request; and

WHEREAS, the Tohono O’odham and their ancestors have from time immemorial inhabited lands from present-day southern Arizona to the Sea of Cortez in northern Mexico; and

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

WHEREAS, the Tohono O’odham Nation’s members experience the direct negative impacts from illegal immigration and drug trafficking across the international boundary, including violence and crime, damage to the Nation’s cultural resources, increased demands on tribal law enforcement, illegal dumping, and environmental degradation; and

WHEREAS, the Tohono O’odham Nation has for decades authorized border security measures designed to counter drug- and human-trafficking and other border crimes when those measures protect Nation’s members, lands and resources, and the security of the United States while respecting the Nation’s sovereignty and members’ rights; and
WHEREAS, Executive Order No. 13175, “Consultation and Coordination with Indian Tribal Governments,” presidential memorandums, and departmental and agency policies require executive branch agencies and officials to consult and collaborate with affected Indian tribes on federal policies and actions having a substantial direct effect on tribes; and

WHEREAS, the duty to protect tribal lands and resources, and tribal sovereignty and jurisdiction, including in tribes’ interactions with the United States Customs and Border Protection (“CBP”), Immigration and Customs Enforcement (“ICE”), and other agencies within the United States Department of Homeland Security (“DHS”), is consistent with the DHS Tribal Consultation Policy in which, “The United States recognizes the right of Federally-recognized Indian Tribes (“Indian Tribes”) to self-government. Indian Tribes exercise inherent sovereign powers over their members and territories.” DHS Tribal Consultation Policy, I.A.; and

WHEREAS, on January 25, 2017, President Trump issued Executive Order 13767, "Border Security and Immigration Enforcement Improvements," directing the construction of a physical wall on the United States’s southern border with Mexico (Executive Order 13767, Section 2(a) and Section 4(a)); and

WHEREAS, while the Tohono O’odham Nation coordinates closely with Customs and Border Protection and Immigration and Customs Enforcement and has supported the construction of vehicle barriers, the Tohono O’odham Nation opposes the construction of a wall on its southern boundary with Mexico; and

WHEREAS, a continuous wall on tribal lands along the southern boundary would

- further divide tribal historic lands and communities; and
- prevent Tohono O’odham Nation’s members from making traditional crossings for domestic, ceremonial, and religious purposes, including the annual St. Francis pilgrimage to Magdalena, Mexico and cultural runs;
- deny tribal members access to cultural sites, ceremonies, and traditional cemeteries for burying family members;
- prevent wildlife from conducting migrations essential for survival and general life, health and existence;
- injure endangered species such as the jaguar and other wildlife sacred to tribes;
- destroy saguaro cactus and other culturally significant plants;
- militarize the lands on the Tohono O’odham Nation’s southern boundary;
- disturb or destroy tribal archeological, sacred sites, and human remains;

WHEREAS, the Tohono O’odham Nation has likewise opposed the waiver of federal, state, and other laws under section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), as amended, for the construction of border fencing and roads as unnecessary, destructive, and in
violation of the federal obligation to interact with Indian tribes on a government-to-government basis and to respect tribal sovereignty and self-determination (Resolution No. 08-062); and

WHEREAS, the Inter Tribal Association of Arizona has numerous member tribes that are located in the southern part of the State and that could be impacted by a physical wall along the southern boundary of the State, as well as by other provisions of Executive Order 13767; and

NOW, THEREFORE, BE IT RESOLVED that the Inter Tribal Association of Arizona supports the efforts of the Tohono O’odham Nation and other similarly situated tribes in their funding requests to combat illegal immigration and drug trafficking across the international boundary.

BE IT FINALLY RESOLVED that the Inter Tribal Association of Arizona opposes

(1) the construction of a physical wall on tribal lands on the southern boundary; and
(2) the application of IIRIRA Section 102(c) waivers of federal and other laws on tribal lands.

CERTIFICATION

The foregoing resolution was presented and duly adopted at a meeting of the Inter Tribal Association of Arizona, where a quorum was present on Friday, February 10, 2017.

Shan Lewis,
President, Inter Tribal Association of Arizona
Vice-Chairman, Fort Mojave Indian Tribe