

# Arizona Republic

## Tohono O'odham Nation sues feds over border wall on tribal lands

[Arlyssa D. Becenti](#)

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After learning that the U.S. Department of Homeland Security intends to award contracts to build a border wall through Tohono O'odham Nation tribal lands, the tribe filed a lawsuit challenging the project.

The Tohono O'odham Nation filed its lawsuit against Homeland Security Secretary Markwayne Mullin, U.S. Customs and Border Protection Commissioner Rodney Scott, and U.S. Border Patrol Chief Rosario Vasquez for directing the construction of 62 miles of border wall across the tribe's reservation lands without the tribe's consent.

Tribal leaders also sought a preliminary injunction to prevent the government from taking any action to advance construction of the planned border wall or related infrastructure on tribal lands, including entering into any contracts or agreements.

The Tohono O'odham Nation has long opposed the construction of a physical border wall across its tribal lands. That opposition intensified in [February after tribal leaders](#) met with the new Tucson Sector chief of U.S. Customs and Border Protection and were informed that federal officials planned to complete the border wall in Arizona, including portions crossing the tribe's land. Tribal officials strongly objected to the proposal.

Despite the objections, the department has continued to advance the project. On May 15, 2026, federal officials informed tribal leaders that contract solicitations for the construction of primary and secondary border walls, along with related infrastructure on the reservation, would be released that day. The Department has since issued additional contract details and is aiming to award the construction contract in June.

"The Tohono O'odham Nation has filed a lawsuit against the U.S. Department of Homeland Security (DHS) over its plans to take our reservation land and water to construct a border wall," said Chairman Vernon Jose and Vice Chairwoman Carla L. Johnson in a news release. "The Nation is taking this action now because DHS plans to award contracts in the next few weeks for building a wall across our reservation."

The Tohono O'odham Legislative Council unanimously voted to move forward with the lawsuit. In its filing, the Nation argues that construction of a border wall by the Department of Homeland Security would unlawfully take tribal land and reduce the size of its reservation.

The lawsuit also contends that DHS and its contractors would be trespassing on tribal lands and interfering with the exclusive use of tribal resources. Additionally, the tribe argues that the wall would damage sacred cultural sites and disrupt important ceremonies and religious practices.

### **Border wall work crews damage cultural site**

In late April, contractors [destroyed a 1,000-year-old site](#) in the Cabeza Prieta National Wildlife Refuge. [Federal officials acknowledged](#) the damage to a huge intaglio, a carving in the ground about 30 feet from the border, and said undamaged areas of the site have been contained.

"DHS has chosen to disregard our sovereignty, ignoring proven border security strategies and dismissing the irreversible environmental and cultural destruction that will follow," said Jose and Johnson. "We have already witnessed the desecration that border wall construction has caused with the blading of the thousand-year-old Las Playas Intaglio, both an O'odham and American treasure, and previous efforts to dynamite areas around the sacred Quitobaquito Springs."

The Nation's 2.8 million-acre reservation spans Arizona's Sonoran Desert, with 62 miles along the U.S.-Mexico border. O'odham communities have long existed on both sides of the border, and today 17 communities and thousands of tribal members remain in Mexico. Nation members regularly cross the border for religious, family, and other essential purposes.

The lawsuit argues that only Congress has the authority to change reservation boundaries, making the secretary's actions unlawful. It also asserts that border wall construction would require blasting mountain peaks, building access roads and staging areas, and would cause lasting damage to reservation lands.

The complaint says that earlier this year, the secretary notified the tribe of plans to build a border wall and related infrastructure along the international border within the tribe's reservation.

Paul Enriquez, director of the infrastructure program in U.S. Border Patrol's Program Management Office Directorate, emailed Jose and Johnson to inform them that Customs and Border Protection would release a contract solicitation for the "Tucson 5 Wall Project" on May 15.

The email explained that the solicitation would cover approximately 62 miles of primary and secondary border wall, along with associated technology, patrol roads, cameras and lighting. CBP said it intended to award the construction contract in June, after which design and construction scheduling would proceed, and that the detailed construction timeline would be shared with the tribe once it was received from the contractor.

### **Tribal leaders say they try to work with security efforts**

For decades, the tribe has cooperated with federal border security efforts. The Tohono O'odham Nation allocates annually about \$3 million of its own funds to help fulfill the federal government's border security responsibilities. Existing security infrastructure on the Nation's lands has already reduced unlawful border crossings by more than 95% over the past two years.

The tribe has supported operations by Customs and Border Protection on its lands by providing locations for a checkpoint, forward operating bases and integrated fixed towers to strengthen electronic surveillance efforts.

"The Nation has long been at the forefront on border issues. Over the years we have developed a long-standing cooperative relationship with U.S. Customs and Border Protection, Immigration and Customs Enforcement (ICE) and other federal law enforcement agencies," said Jose in a 2024 testimony.

"Working in concert with CBP, our own Tohono O'odham law enforcement officers are regularly involved in drug interdiction and immigrant apprehension actions," he said. "We have supported CBP efforts on our Reservation by providing lands for a checkpoint, forward operating bases, and integrated fixed towers to facilitate critical electronic surveillance efforts."

On May 27, Paul Enriquez, the director of the Infrastructure Program for U.S. Border Patrol's Program Management Office Directorate provided tribal leaders with a "Statement of Work" and related contract specifications for the proposed border wall project. The documents described requirements for a new 30-foot primary vertical barrier and a secondary barrier to be located within 60 feet of the international boundary line.

The Statement of Work also stated that contractors would have "full use of the project real estate limits," while placing responsibility on contractors to identify and secure staging areas on private lands and to build construction access roads.

On June 1, Enriquez shared a map showing proposed access routes through the interior of tribal lands. On June 4, CBP officials conducted a planned bidders' site visit on the reservation with representatives from five potential contractors.

"The Nation has not consented to the construction of a border wall or associated infrastructure across its Reservation," stated in the complaint. "In 2017, the Nation's Legislative Council enacted a Resolution detailing the reasons for its opposition to a wall while reaffirming its commitment to vigorous border protection measures. The Nation remains firm in its position, as a border wall would have devastating effects on the Nation's lands and its people."

*Arlyssa Becenti covers Indigenous affairs for The Arizona Republic and azcentral. Send ideas and tips to [arlyssa.becenti@arizonarepublic.com](mailto:arlyssa.becenti@arizonarepublic.com).*