



# Inter Tribal Association of Arizona

21 TRIBAL NATIONS

## Resolution 0117

### Border Security and Immigration Enforcement on Tribal Lands

Ak-Chin Indian  
Community  
Cocopah  
Indian Tribe  
Colorado River  
Indian Tribes  
Fort McDowell  
Yavapai Nation  
Fort Mojave  
Indian Tribe  
Gila River Indian  
Community  
Havasupai Tribe  
Hopi Tribe  
Hualapai Tribe  
Kaibab Band of Paiute  
Indians  
Pascua Yaqui Tribe  
Pueblo of Zuni  
Quechan Tribe  
Salt River Pima-  
Maricopa Indian  
Community  
San Carlos  
Apache Tribe  
San Juan  
Southern Paiute Tribe  
Tohono O'odham  
Nation  
Tonto Apache Tribe  
White Mountain  
Apache Tribe  
Yavapai-Apache  
Nation  
Yavapai-Prescott  
Indian Tribe

**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;
- and

**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**.



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