

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Opposing Arizona Senate Bill 1070 as Discriminatory State Legislation)**

**RESOLUTION NO. 10-184**

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power "to provide for the**  
2 **maintenance of law and order and the administration of justice; to establish law**  
3 **enforcement agencies; to enact criminal and civil laws governing the conduct of any**  
4 **person within the Tohono O'odham Nation consistent with federal law" and the power**  
5 **to consult with Indian tribes, state and local governments, and with the Congress of**  
6 **the United States and appropriate federal agencies (Constitution of the Tohono**  
7 **O'odham Nation, Article VI, subsections 1(c)(6), 1(f), and 1(j)); and**

8 **WHEREAS, the Tohono O'odham Nation's aboriginal homelands are divided by the United States-**  
9 **Mexico border, 75 miles of which now form the southern boundary of the Nation's**  
10 **reservation; and**

11 **WHEREAS, the Tohono O'odham Nation has been actively concerned with the negative impacts**  
12 **from illegal immigration and drug trafficking across the international border,**  
13 **including damage to the Nation's cultural resources, increased demands on tribal law**  
14 **enforcement, violence and crime, illegal dumping, and environmental degradation;**  
15 **and**

16 **WHEREAS, the Nation has supported on-reservation immigration checkpoints, integrated radar**  
17 **and camera systems for border enforcement, the joint-use law enforcement facility**  
18 **operated by the Nation's police and Customs and Border Protection, limited**  
19 **deployment of National Guard in support of border enforcement efforts, and border**  
20 **vehicle barriers and related infrastructure; and**

21 **WHEREAS, the Nation has supported necessary immigration enforcement measures but also has**  
22 **required that Customs and Border Protection and its contractors "respect the human**  
23 **and civil rights," "refrain from harassing the Tohono O'odham and comply with all**  
24 **applicable federal laws, including but not limited to those governing searches,**  
25 **seizures, vehicle and other stops" (Resolution No. 07-679); and**

26 **WHEREAS, in April 2010, the Governor of the State of Arizona signed into law state immigration**  
27 **enforcement and related measures within SB 1070, which was subsequently amended**  
28 **by HB 2162 (collectively, "SB 1070"); and**

29 **WHEREAS, SB 1070 requires state law enforcement officials making a lawful stop, detention, or**  
30 **arrest to determine a person's immigration status if the officer has "reasonable**  
31 **suspicion" that the person is an alien and is unlawfully present in the United States;**  
32 **and**

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1 **WHEREAS, SB 1070 permits officers to consider race, color, or national origin to determine**  
2 **reasonable suspicion of illegal status when permitted by the United States or Arizona**  
3 **Constitution; and**

4 **WHEREAS, by failing to provide a definition for the “reasonable suspicion” that allows state law**  
5 **enforcement officers to investigate immigration status, SB 1070 encourages racial**  
6 **profiling that will disproportionately affect minority residents with legal immigration**  
7 **status; and**

8 **WHEREAS, although Native Americans have been present in what is now Arizona since time**  
9 **immemorial, many tribal members speak English as a second language, do not speak**  
10 **English, or were not issued birth certificates and lack documentation establishing**  
11 **their citizenship and lawful residence in the United States; and**

12 **WHEREAS, SB 1070 therefore will expose Arizona tribal members to arrest if they are suspected**  
13 **of being illegal aliens and cannot document their citizenship or lawful presence in the**  
14 **United States; and**

15 **WHEREAS, SB 1070 provides that a tribal member who can show a tribal enrollment card or other**  
16 **tribal identification will be “presumed” not to be an illegal alien, but the Nation**  
17 **opposes any state law requirement that members carry proof, under threat of arrest,**  
18 **that they are lawfully present within their aboriginal homelands; and**

19 **WHEREAS, because the Nation’s reservation and other Arizona Indian reservations contain state**  
20 **highway rights-of-way and other lands on which the state exercises jurisdiction, SB**  
21 **1070 may be enforced within areas on tribal reservations; and**

22 **WHEREAS, the Nation’s members frequently travel outside the Nation’s lands and may be**  
23 **subjected to enforcement of SB 1070 in the cities, towns and roadways outside the**  
24 **reservation; and**

25 **WHEREAS, in addition to tribal concerns, many non-Indian Arizona communities, businesses,**  
26 **and law enforcement officers oppose SB 1070 as a discriminatory law; and**

27 **WHEREAS, United States Congressman Raul Grijalva; Secretary for the Department of Homeland**  
28 **Security and former Arizona Governor Janet Napolitano; the cities of Tucson, Phoenix,**  
29 **Flagstaff, and Nogales; Pima, Santa Cruz, and Yuma County sheriffs; Tucson and South**  
30 **Tucson chiefs of police; Arizona Association of Chiefs of Police; Arizona Hispanic**  
31 **Chamber of Commerce; and others oppose SB 1070; and**

32 **WHEREAS, the Nation continues to support law enforcement initiatives that protect the safety and**  
33 **security of all Arizonans, but the Nation cannot support discriminatory measures to**  
34 **achieve that purpose.**

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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation opposes SB 1070 and**  
2 **supports lawful measures to repeal or invalidate it.**

3 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes**  
4 **and directs:**

5 **(1) The Nation's Chairman and the Domestic Affairs Committee to jointly present a**  
6 **resolution to the Inter Tribal Council of Arizona opposing SB 1070.**

7 **(2) The Nation's delegation to the National Congress of American Indians ("NCAI")**  
8 **2010 Mid-Year Session to submit to NCAI a resolution opposing SB 1070 and similar**  
9 **legislation.**

10 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>TH</sup> Day**  
11 **of MAY, 2010 at a meeting at which a quorum was present with a vote of 2,084.40 FOR; -0- AGAINST;**  
12 **187.10[02] NOT VOTING; and 324.0[08] ABSENT, pursuant to the powers vested in the Council by**  
13 **Article VI, Section 1 (c)(6)(f)&(j) of the Constitution of the Tohono O'odham Nation, adopted by the**  
14 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
15 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
16 **18, 1934 (48 Stat. 984).**

17  
18 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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22 **Verlon M. Jose, Legislative Chairman**

23  
24 18 day of May, 2010

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27 **ATTEST:**

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30 **Evonne Wilson, Legislative Secretary**

31 18 day of May, 2010.

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34 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**  
35 **Nation on the 18 day of May, 2010 at 4:06 o'clock, P.M.,**  
36 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**  
37 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**  
38 **submittal.**

39  
40 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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43 **Verlon M. Jose, Legislative Chairman**

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APPROVED

on the 19 day of May, 2010

DISAPPROVED

at 1:00 o'clock, P.M.

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

Returned to the Legislative Secretary on the 19 day of

May, 2010, at 2:31 o'clock, P.M.

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

ACTION: OPPOSING ARIZONA SENATE BILL 1070 AS DISCRIMINATORY STATE LEGISLATION

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN ETHEL GARCIA

DATE: MAY 13, 2010

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			X
	2. MARY LOPEZ ( )	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ( )	224.80	X			
	2. EVELYN B. JUAN MANUEL ( )	224.80	X			X
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ( )	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			X
SAN LUCY 187.1	1. LORRAINE EILER ( )	93.55			X	X
	2. GLORIA RAMIREZ ( )	93.55			X	
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ( )	87.25	X			
	2. SANDRA ORTEGA ( )	87.25	X			
GU VO 206.3	1. GRACE MANUEL ( )	103.15	X			
	2. PAMELA ANGHILL ( <i>Absent</i> ) (Angela Ortiz) ( <i>Present</i> )	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ( )	115.05	X			
	2. CYNTHIA E. MANUEL ( )	115.05	X			X
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ( )	138.50	X			X
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0				X
	2. FRANCES G. ANTONE (Vernon Smith)	162.0				X
<b>TOTAL</b>		<b>2,595.50</b>	<b>2,084.40</b>	<b>-0-</b>	<b>187.10</b> <b>[02]</b>	<b>324.0</b> <b>[08]</b>