



TOHONO O'ODHAM NATION

OFFICE OF THE CHAIRMAN AND VICE CHAIRMAN

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ALL OF US TOGETHER

NED NORRIS JR.
CHAIRMAN

ISIDRO LOPEZ
VICE CHAIRMAN

PRESS RELEASE

FOR IMMEDIATE RELEASE

Thursday, May 20, 2010

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TOHONO O'ODHAM NATION OPPOSES NEW IMMIGRATION LAW

SB 1070 is unfunded mandate; raises potential for racial profiling

SELLS, Ariz. – The Tohono O'odham Nation (Nation) strongly opposes enactment of Arizona's new immigration law, SB 1070. The law fails to address the border security crisis, while raising a host of troubling concerns about the potential for racial profiling, the burden on local police and the negative impact on the state's economy.

One of the most serious concerns the Nation has with this law is its potential for racial profiling of minorities, a concern shared by public officials and legal experts across the political spectrum. This is one of the reasons the Nation's Legislative Council passed a Resolution strongly opposing SB 1070.

"This law creates a hostile atmosphere for minority groups who will have to carry identification at all times just to prove their right to be here," said Ned Norris Jr., Chairman of the Tohono O'odham Nation.

As a result of these fears, the sense of trust between local law enforcement and their communities will be undermined. If a segment of the community is afraid to cooperate with the police, everyone in the community suffers for it. The ability of the police to do their real job—protecting the public—must not be hamstrung by a mandate to take on federal immigration responsibilities.

With 75 miles of international border with Mexico, the Nation has a unique perspective on this law. For decades the Nation has been on the forefront of the border security crisis. At various times, Tohono O'odham Police Officers have spent up to 60 percent of their day dealing with border security issues, for which the Nation receives no reimbursement from the federal government. SB 1070 does not address this crisis.

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Because of this law, the state will most likely see fewer tourists and less investment, leading to fewer jobs and less revenue. The Arizona Hotel and Lodging Association has reported that in just a few days, meetings and conferences with an economic impact of more than \$6 million have already canceled in protest of SB 1070. The Mexican government has issued a travel advisory against visiting Arizona, discouraging tourism from Mexico that contributes \$10 billion annually to the state's economy. Arizona cannot afford this misguided law, especially in this economic climate.

The disastrous consequences of this law are what led the Nation and 19 other members of the Inter-Tribal Council of Arizona to formally oppose SB 1070 in a letter to Governor Brewer.

“This misguided and detrimental law must be repealed before it inflicts any further harm on Arizona,” said Chairman Norris. *“For its part, the Tohono O’odham Nation will continue its extensive efforts to assist in protecting the U.S. border on its lands. However, it is imperative that comprehensive immigration reform at the federal level is implemented in order to confront all aspects of this problem.”*

Editor’s Note: See attached resolution from the Nation opposing SB 1070

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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**

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 13TH 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).**

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18 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

24 17 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 17 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.**

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40 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

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APPROVED

DISAPPROVED

on the 19 day of May, 2010

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