A Sovereign Nation Constantly Needing to Prove its Identity:
The Tohono O’odham Nation and the Militarization of the U.S./Mexico Border

Introduction

About ten years ago, human rights activists and Tohono O’odham Nation members Mike Wilson and David Garcia drove out onto the Sonoran Desert to give out water to undocumented migrants. In an interview with me, Wilson said that they found five migrants sitting in a circle. Two male Border Patrol agents on horseback watched nearby.

“¿Necesitan agua?” Wilson yelled out.

“Sí,” some of the migrants responded.

Wilson asked the two agents, who looked Latino, if he could give water to the undocumented migrants. They told him that he could. Garcia grabbed a five-gallon jug of water out of the back of his car. But as he walked to the migrants, one of the Border Patrol agents charged his horse between the migrants and Garcia, sending him back to his car.

Wilson and Garcia remained nearby as the agents called a female colleague to the scene, to deal with the detained women. Once she arrived, the three federal agents began to interrogate the migrants in Spanish. But they didn’t answer.

“What’s wrong with you?” the female agent yelled at the migrants. “Are you stupid? Don’t you speak Spanish?”

What the agents didn’t realize was that the migrants weren’t Spanish speakers. They spoke a Mayan dialect.
“No, it’s not that they were stupid, it’s just that Spanish was not their language,” Wilson said to me in the interview. “That really stays, that particular incident there.”

This encounter highlights how a lack of cultural competency can create misunderstandings and rifts among Border Patrol agents, migrants and activists. But as recent administrations spend more money and hire more agents on the border, Tohono O’odham Nation members have witnessed agents not only targeting undocumented migrants, but also members of the American Indian tribe.

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According to a complaint filed in federal court on behalf of the U.S. government, at approximately 12:15 a.m. March 31, 2014, Border Patrol agent Joseph Spann parked his vehicle at an intersection near the San Miguel village on the Tohono O’odham Nation, a federally recognized tribe that mostly resides in the Sonoran Desert of southeastern Arizona and northern Mexico. Spann said that he noticed a maroon Dodge pickup truck turn in his direction and accelerate.

What happened next is contested. According to Spann, he fired at the truck as it approached him. The truck struck the driver’s side of Spann’s car and kept moving. Amon Chavez, who was in the truck with his cousin Shawn Miguel, said that Miguel had swerved to avoid a tree and some shrubs sticking out onto the road, inadvertently scraping the Border Patrol vehicle. Miguel then drove away because of the gunshots. Chavez suffered three gunshot wounds in his back and one in his arm. Miguel suffered wounds to his face and shoulder.

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1 “Mike Wilson.” Telephone interview. 10 Nov. 2014.
3 Ibid.
Unfortunately, moments like the ones described above are not isolated incidents within the Tohono O’odham Nation. At a time when the US-Mexico border is increasingly militarized, tensions between law enforcement and native peoples are worsening. In part, this is due to feelings that the U.S. government has not respected the sovereignty of the Tohono O’odham Nation, a theme I will explore in this paper.

The prompting question for this essay is, “How has the militarization of the U.S./Mexico border affected the Tohono O’odham Nation?” As historian Eileen Luna-Firebaugh has described in her work, the Nation is caught between the migrants desperate to enter the United States and law enforcement that often doesn’t recognize the difference between those migrants and native peoples. First, this paper will give a brief overview of the drawing of the border between the United States and Mexico and refer to a case study to highlight Tohono O’odham relations with the border historically. Then, the paper will provide a summary of the militarization of the U.S. border with Mexico from the Clinton administration onward before discussing the ways the Tohono O’odham Nation and other American Indian tribes have fought and coped with the militarization of their homelands through attempts at legislation, cooperation and protest. Finally, the paper will offer a suggestion for the Tohono O’odham to address the human rights violations that occur on tribal lands.

**The History of the Issue**

According to Luna-Firebaugh, indigenous peoples had traditional territories with boundaries that their neighbors recognized prior to the setting of U.S. borders with Canada and Mexico. Settlements existed where water, agricultural and trade possibilities made the locations feasible. But when colonizers drew the international borders, they paid little attention to the
separation of native villages.\textsuperscript{4} Other considerations were paramount – something the Tohono O’odham people know all too well.

The official site of the Tohono O’odham Nation says that the O’odham inhabited an area of land extending from Sonora, Mexico to just north of what is now Phoenix, Arizona, west to the Gulf of California and east to the San Pedro River. The O’odham lived in this land base – Papagueria – for thousands of years.\textsuperscript{5} Since the early eighteenth century, though, foreign governments have occupied O’odham lands.

The 1848 Treaty of Guadalupe-Hidalgo ceded land south of the Gila River to Mexico, placing all O’odham land in Mexico. These borders became a problem for the United States once demand for a southern railroad to California grew. To construct it, the United States purchased almost 30,000 acres of land from Mexico in 1853. The Gadsden Purchase, as it is known as, included about half of the Tohono O’odham homelands. The rest remained in Mexico.\textsuperscript{6} U.S. economic imperatives thus split O’odham lands between two countries.

Although the militarization of the U.S./Mexico border has made it difficult for tribal members to move between the United States and Mexico, the Tohono O’odham still consider their land to be on both sides. They have religious sites in both countries. One traditional Catholic site is in Magdalena de Kino in Sonora, Mexico.\textsuperscript{7} The Baboquivari Mountain, which is located about fifty miles southwest of Tucson, Arizona, is another sacred site for the Tohono O’odham. Tribal members without the legal right to travel into the United States (or Mexico) cannot visit the religious sites on either side of the border. U.S. border policies therefore inhibit

\textsuperscript{7} Ibid, 357.
the O’odham members from practicing their own religion. Article 12 of the UN Declaration on the Rights of Indigenous Peoples says that indigenous people have the right to practice their religious traditions and that they have “the right to maintain, protect and have access in privacy to their religious and cultural sites.”

Tribal members face other special difficulties. Tohono O’odham members who were born in Mexico often find themselves unable to receive Social Security, veterans or retirement benefits because they lack U.S. birth certificates. All Tohono O’odham members are entitled to those benefits from the U.S. government, though, because they belong a federally recognized tribe. And Border Patrol agents sometimes hassle the U.S.-born tribal members, asking them to prove their legal status.

“They’re treating [Tohono O’odham members] as if they’re the undocumented migrants coming across [the border],” Wilson said. “That’s always been my fear that that attitude spills over to tribal members who are U.S. citizens.”

Like the Tohono O’odham, the Yaqui people frequently traveled from Sonora to Arizona before the official drawing of the borders. Originally centered in the Yaqui River valley near Guaymas in Sonora, Mexican expansion during the 1800s scattered the Yaqui across Mexico and into the United States. Many settled near Tucson and Phoenix. Even though the border did not split Yaqui lands, the militarization of the U.S./Mexico border has affected the Yaqui. Historic migration patterns compel many Yaqui to travel to and from both sides of the border to conduct ceremonies.

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9 “Mike Wilson.”
The Tohono O’odham Nation has lived in Papagueria since time immemorial. They have sacred religious sites on both sides of the U.S./Mexico border. Yet U.S. policies of economic expansion and border militarization have disrupted cultural and religious practices for the Tohono O’odham and the Yaqui. These policies amount to a flagrant disregard for the Nation’s sovereignty.

_A Case Study: Ambos Nogales and the Tohono O’odham Nation_

One particular example from history deserves some explication – the development of Nogales, Sonora and Nogales, Arizona – “Ambos Nogales” – as economic cities compared to the abandonment of the Tohono O’odham lands. This example illustrates how some O’odham members changed from indigenous people to immigrants, as economic opportunities in Arizona led many tribal members to emigrate from Mexico. In turn, the O’odham community became divided between those who moved to the United States and the others who remained in Mexico. These migration patterns complicate the story of U.S. border militarization effects on an indigenous population; as I later discuss, some Tohono O’odham Nation members are undocumented immigrants living in the United States.

This example may also contextualize the mistrust between some Tohono O’odham Nation members and the Border Patrol agents. The U.S. government ignored tribal lands in their plans for economic development. Now the U.S. government officials the Nation members interact with on a daily basis – Border Patrol agents – view native people as threats or enemies. Tohono O’odham members have good reason to feel that the U.S. government never truly recognized them as human beings.

After World War II, local officials and business people in both Mexico and the United States pressured their governments to build new ports of entry and facilitate economic exchange
in Ambos Nogales. During the 1960s, the Mexican government attempted to make the northern border more attractive, combating images of remoteness and backwardness. U.S. tourists spent $520 million there and just $150 million in Mexico’s interior.\textsuperscript{11} Tohono O’odham borderlands were right by Ambos Nogales, but didn’t receive the same development. Northwestern University history professor Geraldo Cadava said, “Whereas metropolitan Ambos Nogales became a symbol of the modern U.S.-Mexico border, the Tohono O’odham nation remained a borderlands marked by abandonment, despite rhetoric in both countries of indigenous uplift and investment in indigenous communities.”\textsuperscript{12}

During this time, Tohono O’odham members began to emigrate from Mexico. “The growth of mining, ranching and agricultural industries in the United States drew O’odham from both sides of the border into regional economies of labor and consumption,” Cadava said.\textsuperscript{13} By 1960, Arizona’s Tohono O’odham population grew to 10,000 and Sonora’s O’odham population decreased to fewer than 1,000.\textsuperscript{14} These migrations forced many Tohono O’odham Nations to lose their traditional languages and customs; Sonoran O’odham typically learned Spanish, and Arizona O’odham typically learned English.\textsuperscript{15} Although O’odham members on both sides of the border were brothers and sisters, the international boundary made them drift apart.\textsuperscript{16}

After economic downturns in Mexico and the United States during the 1970s, rising numbers of Mexican immigrants sparked intense racism. Public conversations about the border

\textsuperscript{12} Ibid, 372.
\textsuperscript{13} Ibid, 377.
\textsuperscript{14} Ibid.
\textsuperscript{15} Ibid, 379.
\textsuperscript{16} Ibid, 380.
focused more on border security than cross-national economic exchange.\textsuperscript{17} Both countries forwent further economic projects in Ambos Nogales, instead viewing the border region as monolithic. Meanwhile, conditions on Tohono O’odham lands remained poor, with the vast majority of tribal members living in poverty.\textsuperscript{18} Cadava said, “[T]he ephemeral quality of the Nogales border projects and the continued poverty of O’odham on both sides of the border demonstrate U.S. and Mexican disinvestment in the border region as a whole, except for national security operations that have received lavish funding.”\textsuperscript{19}

On multiple levels, governments failed to recognize the Tohono O’odham tribal members as constituents. Both the U.S. and Mexican governments ignored them in their efforts to spur economic expansion in the border region. The economic depravation of the traditional lands led O’odham members who had the means to immigrate to the United States do so, separating the community from those who remained in Mexico.

\textit{Militarization of the U.S./Mexico Border: From Clinton onward}

Because this paper analyzes how the militarization of the U.S./Mexico border has affected the Tohono O’odham Nation, it is necessary to explore the recent history and context of the United States militarizing its border with Mexico. The framing of immigration as a security issue in the post-September 11 world may help explain the Border Patrol hassling of Tohono O’odham Nation members, for example. As I have discussed earlier, the U.S. government made public policies to grow the economy – a railroad to California, efforts to modernize Nogales, Arizona – that separated Tohono O’odham members from each other. Here again, the U.S.

\textsuperscript{17} Ibid, 381.
\textsuperscript{18} Ibid.
\textsuperscript{19} Ibid.
government attempted to craft policies principally to stem illegal immigration, but they have foisted negative, unintended consequences on this sovereign nation.

President Bill Clinton made the build-up of border militarization a centerpiece of his immigration policy. The budget for the Immigration and Naturalization Service – now reorganized under three divisions in the Department of Homeland Security – grew from $1.5 billion in fiscal year 1993 to $4.2 billion in fiscal year 1999.20 The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorized a doubling of the size of the Border Patrol by 2001.21

Moreover, it is important to note that Clinton pursued these policies of increased militarization while also agreeing to the North American Free Trade Agreement. Political scientist Peter Andreas writes in one article, “Even as the North American Free Trade Agreement (NAFTA) promotes a de-territorialization of the economy, U.S. border control initiatives reinforce state claims to territorial authority. Thus, the apparent paradox of U.S.-Mexico integration is that a barricaded border and a borderless economy are being created simultaneously.”22 While enhanced border policing has failed to deter undocumented immigration, it has successfully constructed the appearance of a border and coped with the contradictions of economic integration.23

These contradictions also implicate the Tohono O’odham Nation. The U.S. government built a militarized wall against one of its largest trading partners to manage the image of the

21 Ibid, 595.
22 Ibid.
border. These policies not only created a physical division between the United States and Mexico, but also bisected the Tohono O’odham community. The separation of Sonoran O’odham from Arizonan O’odham mentioned in the case study only grew with walls, vehicles and people patrolling the border.

Border Patrol’s “Operation Blockade” – later given the less loaded name “Operation Hold-the-Line” – deployed 450 agents to cover a twenty-mile stretch of the border in El Paso. This high-profile show of force had political appeal in its immediate, visible results. The Immigration and Naturalization Service expanded this success into a “prevention through deterrence” strategy to focus on the main corridors of illegal entry; “Operation Gatekeeper” and “Operation Safeguard” in other border areas soon followed suit. Juanita Molina, the executive director of Border Action Network, said to me in an interview that she noticed the government fund other operations along the U.S./Mexico border after Operation Gatekeeper. Border Patrol began operations on the Tohono O’odham reservation, making tribal lands appear like occupied territories. (Full disclosure: I interned with Border Action Network during the summer of 2013 through my participation in the DukeEngage program in Tucson.)

“We saw a shift in policy during the Clinton administration,” she said. “What we saw in the ‘90s was the government slowly providing more funding, where we saw Operation Gatekeeper. With Operation Gatekeeper, we were seeing people pushed further from the roads and towns, and [these remote areas were] where people were dying.”

The Department of Homeland Security – formed as a response to the September 11 terrorist attacks – further transformed and institutionalized immigration into a security issue. The Secure Fence Act of 2006 called for the utilization of unmanned aerial vehicles, ground-based

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24 Ibid, 596.
25 “Juanita Molina.” Telephone interview. 15 Nov. 2014.
sensors and cameras on the southern border – a “virtual fence.” It also approved 850 miles of new border fencing and reinforcement of the existing infrastructure.

“Once 9/11 happened, the entire shift of funding changed everything,” Molina said. “All of the sudden there was a militarized structure on the U.S./Mexico border and the number of border agents doubled within that border surge. That’s when we saw an increase in migrant deaths.”

A 2013 Migration Policy Institute report found that the Obama administration spent $18 billion in immigration enforcement the previous year, higher than all other major federal law enforcement agencies combined. The report also found that the budget for Immigration and Customs Enforcement, which oversees interior enforcement and detention, increased by eighty-seven percent since 2007, to $6 billion. The Obama administration deported nearly 440,000 undocumented immigrants in fiscal year 2013, adding to the 2 million record-high deportations since President Obama took office.

Tohono O’odham and the Federal Government: Buying Silence?

Tohono O’odham members don’t just confront Border Patrol agents who question their identity. The inherent nature of poverty and migration make the O’odham lands dangerous; as I’ll refer to later, desperate undocumented immigrants have broken into tribal members’ homes in search of food and shelter. Because of this environment, the U.S. government has given funding to the Tohono O’odham Nation. The Tohono O’odham tribal police department estimates that approximately 1,500 people cross the border on Tohono O’odham lands every

27 Ibid.
28 “Juanita Molina.”
Molina said that humanitarian organizations and law enforcement officials find about 120 migrant deaths in Arizona per year; two-thirds of those deaths occur on Tohono O’odham lands. In 2004, the Tohono O’odham Nation joined forces with federal and state officials in the Arizona Border Control Initiative. The Tohono O’odham received $1.4 million to enhance tribal law enforcement efforts as part of this deal. The Tohono O’odham Legislative Council and Executive Office passed a resolution that year to obtain federal funding for the construction of a vehicle barrier fence on tribal lands. While some tribal members voiced concerns, Tohono O’odham chair Vivian Juan Saunders asserted that the funding was necessary to quell fears of smugglers.

In March 2005, federal officials announced a second phase of the Arizona Border Initiative that included a significant increase of Border Patrol agents, helicopters and airplanes on tribal lands. Juan Saunders was not informed prior to the public announcement. A month later, the Border Patrol set up a traffic checkpoint on Federal Route 15, which crosses tribal lands. These two incidents spurred Juan Saunders to publicly criticize the Department of Homeland Security.

Although the tribal government has criticized the Border Patrol in the past, Mike Wilson worries that tribal members are afraid to criticize it more often. He said that some government programs giving money or housing to the O’odham appease the Tohono O’odham Nation members and the tribal government. Department of Housing and Urban Development housing

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31 Philip Burnham, “Interview with Tohono O’odham Nation’s Vivian Juan Saunders.”
32 “Juanita Molina.”
projects have recently gone up on the reservation, he said. These programs offer tribal members good housing, but create a climate of fear for Tohono O’odham Nation members if they criticize the Border Patrol.

“Nobody, including elected members, wants to be perceived as biting the hand that feeds them,” Wilson said. “If tribal members voice any complaints about human rights violations on the Nation, they may be perceived in Washington not only as anti-U.S. Border Patrol but as anti-U.S. government. This may threaten federal appropriations coming to the tribe.”

Wilson said that he is glad tribal members are getting good housing at affordable rates. However, he fears that as badly needed as the housing is, it buys silence from the tribal members.

“The housing is an anti-poverty program,” he said. “But it comes with a price tag. The price tag buys silence. The price tag says that the Border Patrol continues to undermine the legitimacy of the tribal government because now the Border Patrol is not accountable to human rights violations in Indian countries.”

The Tohono O’odham Attempt Legislation

As beneficial as they may be, federal funding and HUD housing still do not resolve what remains for many Tohono O’odham Nation members a crucial issue: the lack of tribal benefits for the Nation members who were born in Mexico. Mexican-born tribal members who suffer from diabetes, tuberculosis and other life-threatening diseases cannot visit the Tucson Area Indian Health Service centers for medical care. In 1987, Representative Morris Udall introduced a bill to clarify the right of free passage for members of the Tohono O’odham Nation.

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37 “Mike Wilson.”
38 Ibid.
The bill would have established a tribal roll and given everyone on the roll the right to pass freely along the U.S./Mexico border and work and live in the United States.\textsuperscript{40}

The Reagan administration wanted the O’odham to cross into the United States only at official ports of entry. The Tohono O’odham viewed this restriction as unacceptable. They had ancient migration routes and sites that remained culturally important. Moreover, they asserted their rights as a sovereign nation – which has become a flashpoint in the O’odham struggle over the years. When the Reagan administration and the Tohono O’odham could not reach a compromise on this issue, the tribe asked Udall to pull the bill from consideration.\textsuperscript{41}

In 1998, the Tohono O’odham tried again. In addition to the right of free passage, a new bill would require federal officials to negotiate with the tribe over their policies on tribal lands and required that federal officials’ border security practices avoid conflict with the religious rights, customs and practices of the Tohono O’odham – a protected human right.\textsuperscript{42} In the context of President Clinton’s militarization policies, the Tohono O’odham sought more protections because of the increased government presence on the border. The federal government again declined to support the bill, citing the same concerns about official ports of entry.\textsuperscript{43}

Tohono O’odham Nation members lobbied U.S. Representative Raul Grijalva to introduce House Bill 731 in 2003.\textsuperscript{44} The bill would have rendered “all enrolled members of the Tohono O’odham Nation citizens of the United States as of the date of their enrollment and [recognized] the valid membership credential of the Tohono O’odham Nation as the legal equivalent of a certificate of citizenship or a State-issued birth certificate for all Federal

\textsuperscript{40} Ibid, 171.
\textsuperscript{41} Ibid.
\textsuperscript{42} Ibid.
\textsuperscript{43} Ibid.
\textsuperscript{44} H.R. 731, 108\textsuperscript{th} Congress (2003).
purposes." The bill was referred to the House Subcommittee on Immigration, Border Security and Claims, where it died.

Tohono O’odham members point to a precedent the United States made to grant citizenship to tribal members not residing in the country. When the Kickapoo acquired a reservation in Oklahoma in 1891, about half of the tribe chose to stay in El Nacimiento Rancheria, Mexico. Some of these members even traveled into the United States seasonally to work as migrant farm laborers. To clarify their legal status, Congress passed the Texas Band of Kickapoo Act of 1983. It gives the Kickapoo dual citizenship, granting them the right to vote and hold office in both countries. Additionally, the legislation mandated that tribal membership cards would be sufficient for border passage – what Tohono O’odham members want for them. However, the act did not alter the Kickapoo’s legal status in Mexico. The Texas Band of the Kickapoo and another Kickapoo tribe are now seeking to expand the rights in the act to tribal members who live in the United States but travel to Mexico each winter for traditional ceremonies.

The Border Between the United States and Canada

Although this paper mostly focuses on the experiences of the Tohono O’odham Nation, an examination of the experiences of other tribes offers a helpful comparison. The eighteenth and nineteenth-century Jay Treaty and the Treaty of Ghent both established the right of free passage to Indians whose lands reside in the United States and Canada. The Immigration and Nationality

45 Ibid.
46 Luna-Firebaugh, Eileen. “‘Att Hascu ‘Am O ‘I-oï? What direction should we take? The desert people’s approach to the militarization of the border.” 353.
48 Ibid.
Act of 1952 restricted free passage to Indians who met a fifty percent blood requirement, though. Today, any American Indian who possesses a tribal membership card is granted free passage along the U.S./Canada border.\textsuperscript{50} These identification cards are not sufficient for the Tohono O’odham, though.

The land of the Mohawk of the Saint Regis Indian Nation is split between New York and Quebec. Mohawks have generally asserted that the Mohawk Nation is sovereign, so the border between the U.S. and Canada is irrelevant.\textsuperscript{51} More recently, however, federal immigration agencies have entered Mohawk lands in pursuit of undocumented immigrants and the people who smuggle them across the U.S./Canada border.\textsuperscript{52} Like the Tohono O’odham, Mohawk members find themselves caught between federal agents and undocumented migrants on their own sovereign territory.

The Blackfeet Confederacy lands also split after the creation of the border between the United States and Canada. Although these members can cross the border at will, problems have arisen surrounding certain traditions and religious ceremonies. Participants from all bands of the Blackfeet Confederacy – on both sides of the border – participate in ceremonies. The Blackfeet use special ritual paraphernalia in these ceremonies, and import-export regulations have caused problems for the Blackfeet.\textsuperscript{53} The Blood tribe – a band in Canada within the Blackfeet Confederacy – established a border committee to negotiate for legislation. This effort has

\textsuperscript{50} Ibid.
\textsuperscript{52} Luna-Firebaugh, Eileen. “’Att Hascu ‘Am O ‘I-i? What direction should we take? The desert people’s approach to the militarization of the border.” 344.
\textsuperscript{53} Ibid.
remained unsuccessful.\textsuperscript{54} Border policies have prevented American Indian Nations living on both sides of either the U.S./Mexico or U.S./Canada border from practicing their own religions.

\textit{Modern Problems and Responses}

Tohono O’odham Nation members have protested U.S. immigration policies and lobbied for changes. During the summer of 2001, some four hundred Tohono O’odham Nation members visited every member of Congress to lobby for a bill that would grant U.S. citizenship for all O’odham members.\textsuperscript{55} Tribal attorney Margo Cowan joined the delegation on Capitol Hill, adding that some members of the Tohono O’odham are undocumented immigrants in the United States. These members still traveled up to Washington, D.C., though. “Some are undocumented,” she said. “They could be arrested and deported. But we are calling on Congress to make this right.”\textsuperscript{56}

The fact that some Tohono O’odham Nation members are undocumented immigrants throws a complicating factor into the attempts of the Nation to grant all members the right of free passage between the United States and Mexico. This revelation should not come as a surprise because the migration patterns that led tribal members to Arizona mentioned in the case study also drove other Mexican citizens north of the border. Some may argue, then, that perhaps it is reasonable for Border Patrol to question Tohono O’odham Nation members of their legal status if at least some of them are undocumented immigrants. But immigrant activists would retort that even if those people are undocumented, they still belong to a nation that the U.S. Congress recognized as sovereign in 1937. The Tohono O’odham members who are undocumented immigrants highlight the complexity of U.S. immigration policies broadly and border


\textsuperscript{56} Ibid.
militarization policies specifically. These people fit into a nebulous category, neither fully legal nor illegal.

In one 2005 *Indian Country Today* news article, several Tohono O’odham Nation members expressed their dismay about border militarization policies. “We were resisting the destruction of the O’odham way of life on O’odham sacred lands, including animal life, plant life, mountains, water and waterways,” Nation member Ofelia Rivas said about a protest in the article.57 Kumeyaay Nation people have organized around similar issues in San Diego County. U.S. Border Patrol agents there have subjected the Kumeyaay to repeated stops and detentions. Mike Connolly, the Campo Reservation director of environmental programs stated, “This is our land, and we’ve been here for thousands of years. It’s tough when you’re being stopped all the time and asked if you really belong there.”58

Additionally, the Tohono O’odham Nation sent an open letter to the United Nations Secretariat of the Permanent Forum on Indigenous Issues in September 2004. As I alluded to earlier, the letter asserts that undocumented immigrants have broken into the homes of Nation members, desperate for food, water and shelter. The Nation said that it would support the construction of a vehicle barrier designed to stop vehicle traffic only, but not a militarized wall. The letter reads, “The Tohono O’odham Nation strongly supports the right of our people to travel between our communities and is vehemently opposed to any limits placed on this right. We have historically rejected the militarization of our border and will continue to work with all relevant federal and state agencies to seek relief for our members.”59

During the national debate about comprehensive immigration reform in the summer of 2013, Tohono O’odham Nation chair Ned Norris Jr. participated in a panel discussion about immigration with members from the Nuns on the Bus. The Nuns on the Bus, led by Sister Simone Campbell, visited nine states the previous summer to protest Representative Paul Ryan’s federal budget, visiting homeless shelters, food pantries and schools. Norris said at the panel that he longs for a reunification with tribal members from Mexico. He added that policymakers should include Tohono O’odham Nation members in discussions about immigration reform because they feel the effects of increased border crossers, drug dealers and Border Patrol agents who may mistake them for undocumented immigrants.  

In addition to stopping and searching tribal members, tribes have voiced concerns over the degradation of tribal land and high-speed pursuits over tribal roads, which have the potential to endanger tribal members and livestock. Federal officials have seized headdresses adorned with deer antlers, often passed down through generations of families, because their indigenous owners could not provide hunting tags current federal game laws require. Tribal governments have attempted to address these issues in meetings with the Border Patrol and other federal officials. These meetings have not yielded many signs of success, as Tohono O’odham members feel as if federal officials have responded to their concerns as if they were interacting with a local government, not a sovereign nation.

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61 I attended this rally during my experience with the DukeEngage Tucson program. I wrote a blog post about the forum that readers can find here: [http://tucsondukeengage.wordpress.com/2013/06/14/nuns-on-the-bus-hit-right-tone-on-immigration/](http://tucsondukeengage.wordpress.com/2013/06/14/nuns-on-the-bus-hit-right-tone-on-immigration/).


63 Taliman.

64 Philip Burnham, “Interview with Tohono O’odham Nation’s Vivian Juan Saunders.”
“One of the biggest challenges around Border Patrol is that there is truly a crisis of identity,” Molina said. “Are they a police force or are they military? Within that, it creates a whole other issue of accountability.”

Molina said that the recent protests in Ferguson, Missouri were an incredible moment for the United States because they highlighted the militarization of police departments all over the country. She said that it would be difficult to create a similar uproar around the deaths of migrants in the Tohono O’odham Nation, though.

“The Attorney General went into Ferguson to look for accountability and see what happened,” Molina said. “With Border Patrol, there are no lines of accountability that are clear. The Attorney General wouldn’t say, ‘Hey, you guys shot a kid through the border wall’ because it doesn’t necessarily fall within their purview. With the growth of the [Border Patrol] agency, what didn’t catch up to it were the lines of accountability. That’s what I think contributes to a lot of the violence around border issues.”

The U.S. failure to create accountability for Border Patrol serves as a root cause of tensions between native peoples and Border Patrol agents. An alliance of tribes and human rights organizations including Border Action Network have worked in Arizona since 1997, coalescing around the social justice themes of human rights abuses, land claims and the preservation of indigenous heritage. The human rights groups Derechos Humanos and the Indigenous Alliance Without Borders hold annual summits for the Yaqui, Tohono O’odham, Kickapoo and other tribes featuring “know your rights” workshops.

Conclusion

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65 “Juanita Molina.”
66 Ibid.
67 Taliman.
68 Ibid.
The issue of free movement over international borders remains a problem for many of the indigenous nations of North America. It affects those living near the U.S./Canada border, but stands as an even more daunting problem for those living near the U.S./Mexico border. The Tohono O’odham Nation – the only indigenous tribe with members and traditional land on both sides of that border – has faced the brunt of these policies. For members of various indigenous communities, the inability to access parts of their traditional lands amounts to a violation of Indian sovereignty.

The Tohono O’odham people have acted like invisible stakeholders in this debate for decades. After World War II, the Mexican and the U.S. government pursued policies to accelerate the economic expansion of Ambos Nogales. Policymakers and business leaders did not envision this modern image for the nearby Tohono O’odham lands, which evoked perceptions of abandonment and backwardness. Many O’odham tribal members followed the dominant migration patterns of the era and moved to Arizona.

On multiple levels, the Tohono O’odham Nation has suffered from the effects of U.S. immigration policies. Tribal members cannot access religious sites on both sides of the border. Mexican-born tribal members cannot go to their nation’s own health centers to receive medical care. U.S.-born members often encounter skeptical Border Patrol agents who question their legal status on their own homelands. They have become strangers in their own country; for the Tohono O’odham members who are undocumented, this statement is disturbingly true. The U.S. government may recognize the Tohono O’odham Nation as sovereign on paper, but not in spirit.

The O’odham nation has attempted to lobby members of Congress, negotiate with U.S. and Mexican governments and protest border militarization policies. None have yielded much success. Because the O’odham have emphasized their sovereignty, they have worked
independently on these issues. As I’ve shown in this paper, several other American Indian tribes like the Yaqui, Kickapoo, Blackfeet, Kumeyaay and Mohawk face similar issues, though. Asserting rights as sovereign nations does not preclude American Indian nations from cooperating with other nations. Indigenous nations should coordinate their efforts and collaborate to resolve their shared issues. This unified approach could pressure influential organizations like the United Nations to prioritize the right of indigenous people to maintain traditional contacts and ceremonies. Indigenous nations could then see progress on not only border crossing issues, but also other human rights issues long ignored.
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