

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Border Fences on the Tohono O'odham Nation Research Proposal)**

RESOLUTION NO. 17-291

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the authority "to promote, protect and provide for public health, peace, morals,
3 education and general welfare of the Tohono O'odham Nation and its members"
4 (Constitution, Article VI, Section 1(c)(2)); and

5 **WHEREAS,** Kenneth D. Madsen is requesting approval of a research proposal to study the
6 impact that border fences, walls, or barriers have on local communities, how
7 local individuals have reacted to such construction, how federal policy and
8 international economic and political forces are reflected in such structures, and
9 the role of indigenous sovereignty in these issues; and

10 **WHEREAS,** the research proposal is part of a larger project along the Arizona-Sonora stretch
11 of international border, following-up on work previously done on border fences
12 done for Kenneth Madsen's master's thesis at Arizona State University ("ASU")
13 (M.A. completed in 1999), publications [i.e. 2015, Graffiti, art, and advertising: re-
14 scaling claims to space at the edges of the nation-state, *Geopolitics*, 20 (1): 95-120;
15 2011, Barriers of the US-Mexico border as landscapes of domestic political
16 compromise, *cultural geographies*, 18 (4): 547-556]; and

17 **WHEREAS,** Kenneth Madsen has many years of experience and service working with the
18 Tohono O'odham during his graduate school studies (Ph.D. in Geography
19 completed at ASU in 2005), employment (2004-2008 at TOCC; service in 2017 as an
20 adjunct instructor), ongoing research (Resolution No. 09-499, available at:
21 <http://tolc-nsn.org/docs/Actions09/09499.pdf>), and participation in social and
22 cultural activities resulting in a basic understanding of the O'odham language
23 and a sensitivity to Tohono O'odham cultural concerns; and

24 **WHEREAS,** Kenneth Madsen has previously published approved writings on Tohono
25 O'odham border issues in the past [i.e. 2014, A basis for bordering: land,
26 migration, and inter-Tohono O'odham distinction along the U.S.-Mexico Line,
27 chapter in Jones, R. and Johnson, C. (Eds) *Placing the Border in Everyday Life*.
28 Ashgate, London, pp. 93-116; 2014, The alignment of local borders, *Territory,*
29 *Politics, Governance*. 2 (1): 52-71]; and

30 **WHEREAS,** Kenneth Madsen has agreed to disclose how information will be used to
31 prospective interviewees (including possible publication), to obtain and track
32 verbal or written informed consent for the use of such information, provide an
33 opportunity for review and correction of information collected, and respect
34 people's privacy by allowing them to remain anonymous if they so desire; and

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1 **WHEREAS, Mr. Madsen agrees not to explore the Nation for the purposes of this research**
2 **beyond main roads and other public places without proper accompaniment or**
3 **permission from the respective community, district, or tribal members and**
4 **leadership; and**

5 **WHEREAS, Mr. Madsen also agrees to provide updates upon request on this research project**
6 **to the Cultural Preservation, Human Resources Development, and Domestic**
7 **Affairs Committees of the Tohono O'odham Legislative Council; and**

8 **WHEREAS, copies of printed results will be donated to interested libraries on the Tohono**
9 **O'odham Nation and copies of any transcripts or recordings (if permission is**
10 **given by interviewees, appropriately redacted if necessary and with a time**
11 **embargo for public access as per the wishes of the interviewee) will be donated to**
12 **appropriate locations on the Tohono O'odham Nation as well, and Mr. Madsen**
13 **will cooperate with requests by interested parties on the Tohono O'odham Nation**
14 **and elsewhere to provide copies of publications and/or to present research**
15 **results; and**

16 **WHEREAS, members of the Tohono O'odham Nation's Institutional Review Board ("IRB"),**
17 **which is authorized by 17 Tohono O'odham Code Chapter 8 to review and approve**
18 **research proposals, have not yet been appointed; and**

19 **WHEREAS, the Cultural Preservation and Human Resources Development Committees**
20 **reviewed Mr. Madsen's border fences on the Tohono O'odham Nation research**
21 **proposal and recommend its approval; and**

22 **WHEREAS, on May 23, 2017, the Domestic Affairs Committee reviewed Mr. Madsen's research**
23 **proposal.**

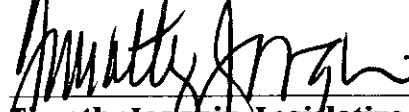
24 **NOW, THEREFORE, BE IT RESOLVED that notwithstanding 17 Tohono O'odham Code Chapter 8,**
25 **the Tohono O'odham Legislative Council re-affirms its approval of Kenneth D.**
26 **Madsen's border fences on the Tohono O'odham Nation research proposal and**
27 **activities related to this project within the Tohono O'odham Nation for a period**
28 **of five years from the effective date of this resolution; provided that the approval**
29 **granted by this resolution shall expire unless Mr. Madsen reports his research to**
30 **the Cultural Preservation, Human Resources Development, and Domestic Affairs**
31 **Committees by August 1 annually .**

32 **BE IT FURTHER RESOLVED that 17 Tohono O'odham Code Chapter 8, Section 8106(7) regarding**
33 **ownership and other provisions of Chapter 8 that can be implemented in the**
34 **absence of an appointed Institutional Review Board shall remain applicable to**
35 **the project.**

1 BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that ongoing supervision
2 of this research be transferred to the Tohono O'odham Institutional Review
3 Board when enough Board members sufficient for a quorum are appointed.

4 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH
5 day of JULY, 2017 at a meeting at which a quorum was present with a vote of 2,760.65 FOR; 323.95
6 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
7 Article VI, Section 1(c)(2) and Section 1(l) of the Constitution of the Tohono O'odham Nation,
8 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy
9 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the
10 Act of June 18, 1934 (48 Stat.984).

11 TOHONO O'ODHAM LEGISLATIVE COUNCIL

12 
13 _____
14 Timothy Joaquin, Legislative Chairman
15 17 day of July, 2017

16 ATTEST:

17 
18 _____
19 Evonne Wilson, Legislative Secretary

20 17 day of July, 2017

21 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
22 O'odham Nation on the 11 day of July, 2017 at 5:54 o'clock, P.m.,
23 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
24 effective upon his approval or upon his failure to either approve or disapprove it within 48
25 hours of submittal.

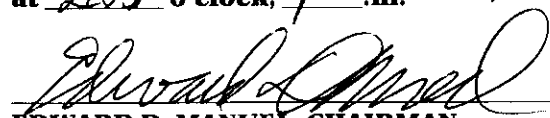
26 TOHONO O'ODHAM LEGISLATIVE COUNCIL

27 
28 _____
29 Timothy Joaquin, Legislative Chairman

30 APPROVED


31 on the 18 day of July, 2017
32 at 2:55 o'clock, P.m.

33 DISAPPROVED

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35 _____
36 EDWARD D. MANUEL, CHAIRMAN
37 TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 13 day of
July, 2017, at 4:16 o'clock, P.m.



Evonne Wilson, Legislative Secretary

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ACTION: APPROVING BORDER FENCES ON THE TOHONO O'ODHAM NATION RESEARCH PROPOSAL

MOVED: COUNCILMAN ANTHONY J. FRANCISCO, JR.

SECOND: COUNCILMAN ARTHUR WILSON

DATE: JULY 10, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (Beverly Rivas)	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85		X		
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (<i>Absent</i>) (Felicia Nunez) (<i>Present</i>)	116.15	X			X
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA ()	115.55		X		X
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55		X		
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ()	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ()	128.45	X			
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Vicenti)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE ()	186.05	X			
TOTAL		3,084.6	2,760.65	323.95	-0-	[03]