

OPPOSITION TO CONSTRUCTION OF A PHYSICAL BORDER WALL ON TRIBAL LANDS

POSITION STATEMENT

The 21 Member Tribes of the Inter Tribal Association of Arizona (ITAA) opposes the construction of a physical wall on Tribal lands on the southern boundary of the United States, such as those proposed in, Executive Order No. 13767, Executive Order No. 14165, Proclamation 10886, and earmarked for construction in the One Big Beautiful Bill Act (PL 119-21). ITAA urges Congress to act in its oversight role over the Department of Homeland Security, to ensure the agency engages in meaningful and timely consultation with Tribes affected by border security and immigration enforcement policies on Tribal lands.

KEY POINTS

-  **Tribal Sovereignty.** Executive Order No. 13175, and the DHS Tribal Consultation Policy, requires officials to consult and collaborate with affected Indian Tribes on federal policies and actions. DHS has implemented border security measures and planned construction on Tribal lands without Tribal consultation.
-  **Impacts on Tribes.** A physical continuous border wall will separate Tribal members from their families, cultural sites, and ceremonies. It will disturb wildlife migration and wellbeing, contribute to environmental degradation, and disturb or destroy Tribal archeological sites, sacred sites, and human remains.
-  **Support for Border Security.** Tribes support border security measures designed to counter drug-and-human trafficking and other border crimes while respecting Tribal sovereignty and members' rights. Tribes request government-to-government agreements with DHS and funding for Tribal governments to support DHS and implement border security measures on their own lands.



BACKGROUND

Indian Tribes have jurisdiction over 26.6% of lands in the State of Arizona. ITAA Member Tribes, Tohono O'odham Nation, Cocopah Indian Tribe, and the Pascua Yaqui Tribe, live along and near the US-Mexico border. Unlike national forests, wilderness areas, and other federal lands on the southern US border, Indian reservations are not public lands, they are reserved for the benefit of the Tribes and their members. Tribes have a duty to ensure that Tribal members' rights and the Tribes' sovereignty are protected. Tribal Nations and Tribal members experience negative impacts from illegal immigration and drug trafficking across the international boundary, including violence and crime, damage to cultural resources, increased demands on tribal law enforcement, illegal dumping, and environmental degradation. However, Tribes have continuously opposed a physical border wall due to the impacts on Tribes, Tribal members, and disregard for Tribal sovereignty. A "Smart Wall" is planned for construction on and near Tribal lands, including a 62-mile project on the Tohono O'odham Nation, without the consent or collaboration of Tribes.

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Position Statement

The 21 Member Tribes of the Inter Tribal Association of Arizona (ITAA) opposes the construction of a physical wall on Tribal lands on the southern boundary of the United States, such as those proposed in, Executive Order (EO) No. 13767, Section 2(a) and Section 4(a), EO 14165, Section 2(a) and Section 3, Proclamation 10886, Section 2, and earmarked for construction in the One Big Beautiful Bill Act (PL 119-21 Title IX, Subpart A, Section 9000). ITAA urges Congress to act in its oversight role over the Department of Homeland Security, to ensure the agency engages in meaningful and timely consultation with Tribes affected by border security and immigration enforcement policies.

Key Points

- **Tribal Sovereignty.** Executive Order No. 13175, presidential memorandums, and the DHS Tribal Consultation Policy, requires officials to consult and collaborate with affected Indian Tribes on federal policies and actions having a direct effect on Tribes. Tribal sovereignty must be respected and Tribes must help drive decision making in policies that have a substantial effect on them. The DHS has implemented border security measures and planned construction of a physical boundary on Tribal lands without Tribal consultation.
- **Impacts on Tribes.** Tribal Nations have citizens on both sides of the southern US border who cross for cultural, religious, employment, and other purposes; the border divides many Tribal communities, separates Tribal members from their families, cultural sites, and ceremonies, and blocks access to much needed health care, housing, transportation, and other governmental services. A physical continuous wall on Tribal lands further exacerbate these issues, severe family connections, disturb wildlife migration and wellbeing, contribute to environmental degradation, and disturb or destroy Tribal archeological sites, sacred sites, and human remains.
- **Support for Border Security.** Tribes support border security measures and the Tohono O'odham Nation (TON) has for decades, authorized measures designed to counter drug- and human-trafficking and other border crimes when those measures protect Tribal members, lands, and resources while respecting Tribal sovereignty and members' rights. Tribal Nations have previously supported Customs and Border Protection (CBP) operating bases, border roads, technologies, and vehicle barriers. Tribes request government-to-government agreements with the DHS to improve on-reservation border security and funding for Tribal governments to support DHS and implement border security measures on their own lands.

Background

Indian Tribes have jurisdiction over 26.6% of lands in the State of Arizona. ITAA Member Tribes, TON, Cocopah Indian Tribe, and the Pascua Yaqui Tribe, live along and near the US-Mexico border. Unlike national forests, wilderness areas, and other federal lands on the southern US border, Indian reservations are not public lands, they are reserved for the benefit of the Tribes and their members. Tribes have a duty to ensure that Tribal members' rights and the Tribes' sovereignty are protected. Tribal Nations and Tribal members experience negative impacts from illegal immigration and drug trafficking across the international boundary, including violence and crime, damage to cultural resources, increased demands on tribal law enforcement, illegal dumping, and environmental degradation. However, Tribes have continuously opposed a physical border wall due to the impacts on Tribes, Tribal members, and disregard for Tribal sovereignty. A "Smart Wall" is planned for construction on and near Tribal lands, including a 62-mile project on the Tohono O'odham Nation, without the consent or collaboration of Tribes.