

TESTIMONY
OF
CHAIRMAN NED NORRIS, JR.
TOHONO O'ODHAM NATION
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
HEARING ON, "SOUTHERN BORDER VIOLENCE: STATE AND LOCAL PERSPECTIVE"
APRIL 20, 2009

Good morning Chairman Joseph Lieberman and Members of the Senate Committee. I would like to thank the Committee for the opportunity to testify today regarding border violence and the impact this activity has on the Tohono O'odham Nation. Border-related crimes, such as illegal immigrant and drug trafficking, robberies, sexual assault, stolen vehicles and property crimes, have an impact not only on our law enforcement and other resources but also affects the quality of life of our people, and diminishes our efforts to maintain our culture and traditions. I will illustrate this by providing you with data and also a few examples of how this affects our people.

Border-Related Crime Data:

The Tohono O'odham Nation has 78 police officers: about 46 are assigned field operations or patrol duties. The numbers below illustrate the overwhelming amount of border-related crime and incidents our officers handle on a daily basis.

- Although border crossings have decreased from a high of about 1,500 a day from 2005/6, to about 400-450 a day, these numbers remain significant because of the increase of drug smuggling. Customs and Border Protection data show that about 10% of the crossers are criminal aliens with histories of rape, assaults, drug and human smuggling, and murder. So there are about 40-50 felons entering the Tohono O'odham Nation on a daily basis, or about 1,500 a month.
- Tohono O'odham Police investigate an average of 70 deaths a year of illegal immigrants that die attempting to cross the Tohono O'odham Nation. They died from exposure, injury and about 3% were murdered by other illegal immigrants robbing them of their drugs and or human cargo.
- From annual year 2004 to 2008, Tohono O'odham police seized 290,885 pounds of marijuana, an average of 58,000 pounds a year. For annual year 2009, TOPD is expected to exceed this average by about 27% or approximately 79,236 pounds. Additionally there were 877 pounds of cocaine seized. The estimated street value of all of the drugs seized is \$221,633,000.00. These numbers do not include data from Customs and Border Patrol or Immigration and Customs Enforcement, who seized about 400,000 pounds in fiscal year 2007.
- From 2004 to 2009 (to date) the federal government has prosecuted about 534 drug cases; about 160 of the cases were filed against tribal members, or about 30% of the total.

- The monetary cost to Tohono O'odham PD responding and investigating border-related calls in fiscal years 2007 and 2008 is \$3,604,456, as itemized below:
 - ✓ Death investigations - \$449,932
 - ✓ Smuggling Investigations - \$757,680
 - ✓ Traffic Accidents - \$877,200
 - ✓ Stolen/Abandoned Vehicle removals - \$196,644
 - ✓ Calls for service (suspicious persons, vehicles, etc.) - \$1,312,700

Cartels Operating on the Tohono O'odham Nation

Information indicates that there are two Mexican drug cartels operating within the Tohono O'odham Nation: (1) the Sinaloa Cartel; and (2) the Tijuana Cartel. Both are vying for control of the Nation, particularly the western side. They see the porous nature of our border, despite the construction of vehicle barriers; the barriers do not stop foot traffic. Because the southern side of the border is rural desert area, with little if any law enforcement presence, they use the area as staging areas to smuggle drugs and illegal migrants.

Because of the vehicle barriers they can no longer drive north from the Mexican side of the border so they shifted their tactics to stealing vehicles from the Phoenix metro area. They then drive the stolen vehicles to sites on the Tohono O'odham Nation where the drugs and/or human cargo are stored or waiting. They then transport the cargo north off the Nation. Because the current practice of Customs and Border Patrol is to not check southbound vehicles, this has been a successful strategy for the cartels thus far.

The cartels are developing formal relationships with Tohono O'odham Nation members to drive vehicles loaded with hundreds of pounds of drugs and/or a cars or trucks loaded with illegal migrants to designated locations off the Nation. What they do is a simple process of offering \$700 to \$5,000, depending on the type of load, to tribal members to either drive the load or store the drugs at their home or a shed.

More and more of the Nation's members are getting involved in the illegal operations; as little as five years ago there were just a few tribal members involved in the illegal operations. As I indicated earlier, 30% of the total federal prosecutions for drug smuggling and/or transport of illegal immigrants are tribal members. In the same time period there were 145 drug possession/transport cases prosecuted in tribal court.

All of this activity affects the quality of life of our members. Our children are routinely exposed to the drugs, violence and death. On almost a daily basis at our high schools and even our elementary school a child is caught with marijuana. This is an illustration of the deteriorating affect this has on our youth and families.

Another major concern is there are indications that criminally prone Lawfully Admitted Permanent Residents (LAPRS) or Mexican-Americans are developing relationships with young women on the Nation; they have fathered children with women as young as 16 to 17 years old and through this connection are expanding their illegal immigrants smuggling operations. These LAPRS are then able to freely travel throughout the Tohono O'odham Nation and solicit or

recruit tribal members to help with their illegal operations. We believe they have connections to the cartels in Mexico; it will not be too long until the cartels will want to put a stop to this intrusion in what they claim as their territory and criminal operations.

Border violence has increased with the majority of incidents directed to Customs and Border Patrol, but this does not lessen the fear that tribal members and TOPD officers will soon be targets of the drug and human smuggling cartels. Violence includes: rocks thrown at vehicles and officers, physical assaults, shots fired, vehicle assaults, and weapons violations. In a recent case (March 25) two illegal immigrants were attacked with automatic weapons; both remain hospitalized. TOPD attributes the ambush to a successful hijacking of their human cargo the victims had been transporting.

Issues and Concerns:

Tohono O'odham Police spend close to 50% of their patrol time on border-related crime and incidents. This is time taken away from protection of communities and other intervention and prevention efforts.

Lack of interoperability, radio and cell phone: There is about 30% of the Tohono O'odham Nation that lacks adequate radio and cell phone communication. This handicaps our efforts and presents an officer and public safety concern. Adding to this is the inability to communicate directly with our federal partners, Customs and Border Patrol and Immigration and Customs Enforcement.

Tribal members from other reservations frequent the Tohono O'odham Nation to specifically become involved in drug and human smuggling. Tribal members involved and apprehended by Customs and Border Protection and Tohono O'odham police include members from San Carlos Apache, Navajo, Gila River, Salt River, Yavapai-Apache, and others. These individuals are aware that they are generally not tracked by tribal police and because of their status very easily avoid the State and Federal criminal intelligence system. Tribal police must be directly involved in the various criminal information/intelligence sharing initiatives to close this gap in the system.

Conclusion: I would like to emphasize that should this type of activity occur in any town or city in the United States it would be considered a crisis. The Tohono O'odham Nation is in the midst of this crisis and our way of life and culture and traditions are changing every day.

This crime and violence doesn't end on the Tohono O'odham Nation. The drugs and criminals transporting the drugs and human cargo are headed to cities and towns throughout the United States. The victims of kidnapping that the city of Phoenix has been experiencing had likely travelled through the Tohono O'odham Nation. We need help to protect not only our community but also to protect our neighbors, the State of Arizona, and the United States. I urge you to do whatever you can do to help us protect our homeland.