

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Recognition and Protection of the Sacred Ha:san)**

**RESOLUTION NO. 21-137**

1 **WHEREAS,** it is the policy of the Tohono O'odham Nation to promote “enjoyable harmony  
2 between members of the [N]ation and their environment; to promote efforts  
3 which will preserve and protect the natural and cultural environment of the  
4 Tohono O'odham Nation, including its lands, air, water, flora and fauna, its  
5 ecological systems, and natural resources, and its historic and cultural artifacts  
6 and archeological sites; and to create and maintain conditions under which  
7 members of the [N]ation and nature can exist in productive harmony and fulfill  
8 the social, economic, and other requirements of present and future generations  
9 of members of the Tohono O'odham Nation” (Constitution, Article XVIII, Section  
10 1); and

11 **WHEREAS,** Indigenous peoples have made the compelling argument that the trees, wildlife,  
12 rivers, and mountains are sacred and should be granted “personhood” and the  
13 legal rights associated with it; and

14 **WHEREAS,** the Tohono O'odham and sister O'odham tribes, hold the Ha:san in the highest  
15 regard and consider the Ha:san as an O'odham person; and

16 **WHEREAS,** some of the commentaries on saguaros as “people” or “kindred spirits” come  
17 directly from O'odham scholars, including, José Luis Brennan, Juan Smith,  
18 Francis Vagages, Ofelia Zepeda, Danny Lopez, and Camillus Lopez, while others  
19 come from competent historians —most of them working for the federal  
20 government—who corroborate in written form the oral histories long  
21 transmitted as part of the O'odham himdag (Way of Life) — the traditional  
22 knowledge and values of O'odham; and

23 **WHEREAS,** Tohono O'odham scholar José Luis Brennan aka José Lewis worked with the U.S.  
24 federal Bureau of American Ethnology recording traditional O'odham narratives  
25 and translating them, including one in which an O'odham boy prophesizes that,  
26 “I will turn myself into a saguaro, so I shall last forever, and bear fruit each  
27 summer,” the O'odham have been gifted with such up to this day; and

28 **WHEREAS,** the Ha:san is an integral part of the O'odham himdag (Way of Life) and early  
29 teachings and stories have taught that the Ha:san should never be harmed or  
30 disrespected; and

31 **WHEREAS,** the saguaro fruit has been used by the O'odham since time immemorial to make  
32 saguaro fruit wine for the important rain-making ceremonies; and

33 **WHEREAS,** the saguaro fruit are as essential to O'odham spirituality as sacramental bread  
34 and wine are to the Holy Eucharist in Christian traditions; and

1 **WHEREAS, the spiritual use of desert plants fits the definition of unalienable rights in the**  
2 **draft release of Secretary Pompeo’s Commission on Unalienable Rights in July**  
3 **2020, in the sense that saguaro fruit are “essential” to the religious practices of**  
4 **the O’odham engaged in rain-making ceremonies, and are therefore an**  
5 **unalienable “cultural property”; and**

6 **WHEREAS, the majority of O’odham lands in the Sonoran Desert were transferred without**  
7 **the consent of the Tohono O’odham from México to the U.S. following the Gadsden**  
8 **Purchase, Treaty of Guadalupe Hidalgo, and the Gadsden Treaty, which**  
9 **guaranteed the O’odham all the religious and property rights they had enjoyed as**  
10 **Mexican citizens; and**

11 **WHEREAS, the Agricultural and Natural Resources and Cultural Preservation Committees**  
12 **recommend recognition and protection of the ha:san.**

13 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O’odham Legislative Council condemns**  
14 **the destruction, damage, and poorly executed transplanting of saguaros during**  
15 **the border wall construction and other Department of Homeland Security, (DHS)**  
16 **projects on tribal and federal lands that are aboriginal homelands of the**  
17 **O’odham.**

18 **BE IT FURTHER RESOLVED by the Tohono O’odham Legislative Council that this wanton**  
19 **destruction of a scared plant amounts to a violation of the religious liberties of**  
20 **the Tohono O’odham Nation and its members.**

21 **BE IT FINALLY RESOLVED that the Tohono O’odham Legislative Council calls on all entities,**  
22 **state, and federal agencies to reverse the destruction of sacred plants associated**  
23 **with O’odham traditions and to that:**

- 24 **1. Enter into proper government-to-government consultation with the**  
25 **Tohono O’odham Nation whenever projects or federal or state projects**  
26 **may potentially affect saguaros on the Tohono O’odham Nation or on or**  
27 **around the O’odham aboriginal lands.**
- 28 **2. Adhere to the spirit and detail of the December 5, 2012 memorandum**  
29 **signed by the Department of Defense along with five other federal entities,**  
30 **pledging to Native Americans full government-to government**  
31 **consultation and training for employees to do no or least harm, to sacred**  
32 **sites, ceremonial plants, pilgrimage trails and shrines on federal lands**  
33 **and that these agencies (including the Department of Homeland Security,**  
34 **Customs and Border Protection and the Army Corps of Engineers)**  
35 **explicitly recognize that they must avoid destruction of access to sacred**  
36 **sites and their culturally significant plants.**



1 ATTEST:

2 *Evonne Wilson*  
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4 Evonne Wilson, Legislative Secretary

5 10 day of May, 2021

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
9 O'odham Nation on the 11 day of May, 2021 at 2:28 o'clock, P.m.,  
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
11 effective upon his approval or upon his failure to either approve or disapprove it within 48  
12 hours of submittal.

13 TOHONO O'ODHAM LEGISLATIVE COUNCIL

14  
15 *Timothy Joaquin*  
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17 Timothy Joaquin, Legislative Chairman

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22  APPROVED

on the 12 day of May, 2021

23  
24  DISAPPROVED

at 2:00 o'clock, P.m.

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26 *Ned Norris, Jr.*  
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28 NED NORRIS, JR., CHAIRMAN  
29 TOHONO O'ODHAM NATION

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35 Returned to the Legislative Secretary on the 12 day of  
36 May, 2021, at 3:10 o'clock, P.m.

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38 *Evonne Wilson*  
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41 Evonne Wilson, Legislative Secretary

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ACTION: RECOGNITION AND PROTECTION OF THE SACRED HA:SAN

MOVED: VICE CHAIRMAN QUINTIN C. LOPEZ

SECOND: COUNCILMAN DANIEL L.A. PRESTON III

DATE: MAY 04, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ( )	139.65	X			
	2. TIMOTHY L. JOAQUIN ( )	139.65	X			
GUVO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ( )	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ( )	106.90	X			
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ( )	115.35	X			
	2. MARIETTA MARTIN ( )	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ( )	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ( )	273.55	X			
	2. ARTHUR WILSON ( )	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
TOTAL		3,175.7	3,175.7	-0-	-0-	-0-