NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Caught in the crossfire

Tom Boswell | Dec. 20, 2010

Ofelia Rivas stands at a rusted fence marking the U.S.-Mexico border on the Tohono O'odham nation in August 2006. (Reuters/Tim Gaynor)

You?ve seen the headlines. You would need to have your head stuck deep in sand to have missed the story: migrants streaming across the border, coyotes, drug cartels, the Border Patrol and Minutemen. People dying in the desert and a raging national debate over immigration policy. And, lest we forget, Arizona Gov. Jan Brewer (recently re-elected) and an anti-immigration law that makes it a crime not to carry immigration documents.

But there?s another story that many may have missed: a supposedly sovereign nation that preceded all these conflicting groups by 2,000 years, now caught in the crossfire on the Arizona-Mexico border. Amid competing cries of ?Secure our borders? and ?Civil rights for immigrants? is the Tohono O?odham, America?s second-largest Indian nation, still struggling after all these years for its survival.

According to their oral history, the Tohono O?odham -- ?desert people? -- did not migrate from anywhere. They believe they have always been here, in the Sonoran Desert, a huge, inhospitable and sparsely populated place. They resisted the invasion of Spanish conquistadors in the mid-16th century, rebelled against Catholic missionaries a hundred years later, and repelled Anglo cattle ranchers in the 1800s. But today the tribe is again under siege, with its homeland cut in half by the new wall at the international border, and its way of life threatened more severely than ever before.

Ofelia Rivas, a tribal elder and human rights activist, likens life on the reservation to a police state. ?We are always under scrutiny,? she remarked, ?and always suspect in our own land as criminals, either drug traffickers or human traffickers.?

Rivas, founder of the O?odham Voice Against the Wall, has traveled to Mexico, Bolivia and elsewhere advocating for human rights for indigenous people. This past October, she made her first speaking tour in the U.S. Midwest. She visited Wisconsin?s two major cities -- Milwaukee and Madison -- and also met with members of a half-dozen Indian nations around the state. She talked about tribal sovereignty issues, human rights violations, and how 9/11 and the border crisis have negatively impacted life on the reservation.

Rivas lives on the southwest corner of the reservation, adjacent to the international border, and ?136 miles from

the nearest town, Tucson [Ariz.].? Yet life there is anything but serene. Helicopters clatter by in the night, Border Patrol vehicles race through on a patchwork of new roads that scar the land, portable spy cameras are posted on a nearby mountain, and drones periodically survey the landscape from the sky.

Since about 2003, daily life for the O?odham has become increasingly militarized. Aside from the ubiquitous Border Patrol, there?s the National Guard, Homeland Security, Immigration and Customs Enforcement, U.S. Customs and Border Protection, the tribal police force, and even a special unit of Native Americans, nicknamed the Shadow Wolves, that helps Homeland Security track drug smugglers.

?Our lands are occupied by Mexico, illegally, and by the United States, illegally,? Rivas said. ?They can hold you at gunpoint at any time, enter your home at any time. There are checkpoints all over. To exit the reservation, you have to declare your citizenship.?

In mid-2006, the National Guard was deployed to the border to begin constructing the barrier that would split the Tohono O?odham Nation in two. (About 28,000 tribal members live on the U.S. side and 3,000 or more on the Mexican side). The border wall -- actually a series of concrete vehicle barriers -- restricts the traditional free flow of tribal members back and forth to visit family, participate in sacred ceremonies, or to forage for herbs and plants.

Rivas is one of those who cross the border regularly to conduct religious ceremonies and visit relatives. Although Homeland Security reached an agreement with the O?odham and other border tribes last year, allowing them to use tribal I.D. cards to cross, Rivas said that much depends on who is staffing the check-points on any given day. ?I?ve been warned that I?m in noncompliance for not carrying other documents besides my tribal I.D.,? she said. ?I?m only allowed to cross three more times and then I?ll get deported.?

During construction of the wall and adjoining roads, the remains of O?odham ancestors were unearthed and removed from their graves. ?They dug up our people, put them in boxes, and removed them,? Rivas said.

Homeland Security has invested in the tribal police force, providing weapons and supplies, but Rivas believes the tribal police and government have been stripped of their authority. The majority of tribal police are now non-O?odham, she claims.

The O?odham people resisted Spanish and Mexican invaders for nearly 500 years. Then, in 1846, the United States fought a war with Mexico as it sought to expand across the continent. The Gadsden Treaty, signed into law in 1853, designated a new border between the United States and Mexico, splitting the O?odham nation in two without consulting the tribe whose land it was.

James Gadsden, appointed minister to Mexico by Secretary of War Jefferson Davis, was a railroad tycoon who had also fought a war of genocide against the Seminole Indians. As Jeffrey Hendricks, a West Coast researcher and historian, has pointed out, theft of native lands by the United States has usually been justified on the basis of treaty stipulations, but no treaty was ever signed between the O?odham and the U.S. government.

The Secure Fence Act of 2006 authorized the construction of over 700 miles of double-reinforced fence along the 2,000-mile U.S.-Mexico border, along with more vehicle barriers, checkpoints, lighting, surveillance cameras, satellites and drones. About 75 miles of the international border is the southern boundary of the Tohono O?odham reservation. (The tribe, and even the Border Patrol, resisted construction of a solid wall through the reservation.) As more intense border enforcement has curtailed drug and migrant traffic east and west of the reservation, more and more traffic has been channeled through Arizona and the vast and treacherous

desert home of the O?odham people.

?They?re trying to funnel people who are coming across through our land, resulting in their deaths,? said Rivas. Some immigrant rights activists speculate that the strategy is deliberate. In any case, fewer crossings today are resulting in more deaths. Although Border Patrol arrests in the Tucson sector declined by 50 percent between 2006 and 2009, deaths of would-be crossers has soared. This past summer they reached their highest level since 2005, according to The Associated Press.

Almost 60 people died in July alone, most while trying to cross the reservation during a record heat wave. The Pima County morgue in Tucson had bodies stacked so high they had to resort to a refrigerator truck to store the overflow.

Even with some economic and material aid from U.S. agencies, the tribal government was not equipped to confront the massive influx of immigrants and drug smugglers who have streamed across the border in recent years. It has put tremendous stress on the finances, culture and social structure of the O?odham, as well as on the beautiful but fragile desert ecosystem.

Rivas and Voice Against the Wall have been supportive of No More Deaths and other nonnative organizations seeking to assist migrants crossing the border. It is the tradition of the ?desert people? to help sojourners in need of food, water and medical care. Rivas said her sister used to leave sandwiches and water for border crossers on a daily basis, but now tribal members can be arrested for ?aiding and abetting,? despite their supposed sovereignty.

The tribal government recently banned water stations on the reservation, an unprecedented decision reflecting the intense financial pressure on this poverty-stricken nation, which spends millions of dollars annually on services relating to migrant traffic, including trash collection, towing abandoned vehicles, emergency medical treatment, and autopsies for those who die in the desert.

?For once, they?ve finally asserted their sovereignty,? Rivas quipped. She said the tribe has collaborated with U.S. authorities in detaining migrants and quickly getting them off the reservation.

?Lots of times, when migrants come through the nation, I think they?re expecting America, whatever that is, but instead they find us, living very poorly.?

Rivas and other O?odham elders see the disharmony and disruption in their community as signs of the ongoing violation of the Himdag -- their traditional and sacred way of life. This way of life was, and still is, deeply rooted in the land, focused on family, clan and village. ?You don?t remember who you are anymore,? Rivas laments, as her people become more estranged from their culture, language, ceremonies and sacred places. The tribal government itself is a violation of the Himdag and the O?odham?s traditional preference for decentralization and consensus decision-making.

Poverty on the reservation has reached epidemic proportions. Per capita income hovers around $8,100 a year, lowest among all U.S. reservations, and less than a third of the average American income. The Arizona Department of Commerce reported that the unemployment rate for the Tohono O?odham Nation was just over 35 percent this year, but the 2005 American Indian Population and Labor Force Report measured it at 75 percent.

?The majority of able-bodied people that could work either stay at home or go off the reservation to look for jobs,? Rivas said. Fewer than half of the nation?s adults have finished high school, also the lowest rate among all U.S. tribes.

Of all the problems that drug-smuggling and illegal immigration pose to the Tohono O?odham, the most

perturbing is probably the temptation of instant wealth it promises to people who have lived in poverty for generations. Smugglers may offer tribal members up to $1,500 per person to drive migrants across the reservation, and perhaps even more for carrying drugs. Former tribal leaders have gone to prison for narcotics-related convictions; the chief of police was caught by his own officers with a horse trailer full of drugs. Rivas confided that even her own nephew spent seven years behind bars for a drug conviction.

?A lot of young people are now enticed into drug-trafficking, given severe sentences, and then not allowed to come home after they get out,? she said.

On top of all this, travel on the reservation is often troublesome, even traumatic, for law-abiding tribal members. Rivas mentioned an 18-year-old friend who was run over and killed by two Border Patrol trucks. She believes the youth had inadvertently walked into a drug transaction involving Border Patrol agents. Agents surrounded another friend with guns drawn when he went to meet his daughter at the school bus stop. He was beaten, arrested and detained, with no explanation.

Rivas herself was once stopped on the main road through the reservation while traveling to Tucson with her daughter and grandson. The Border Patrol agent approached her and asked if she was a U.S. or Mexican citizen. ?Actually, you are on my land,? she replied. ?I?m an O?odham and this is O?odham land.? The agent pulled his gun and put it to her head, again demanding to know if she was a U.S. or Mexican citizen.

?He said he was going to throw me on the pavement, handcuff me, detain me, and then deport me,? Rivas recalls. ?My daughter was crying and my grandson was crying.?

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