

System Dynamics of Land Conflicts and Misrepresentation of the
Tohono O'odham Nation along the U.S-Mexico border

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Environmental Studies 600
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12 March 2017

Introuduction

The political climate of the United States in 2017 is highly divisive due to massive innovation in information connectivity over the last twenty years. Using the Internet and social media, people from all corners of the nation’s demographic landscapes engage in public debate. High levels of access and involvement inherently politicize many social, cultural, and environmental issues—topics once addressed sans politics in past histories. One topic polarizing the lay public is the issue of U.S. southwest border control. The media addresses the idea of border security from a macro perspective; encompassing the need to preserve national security, deter drug cartels and the desire to limit illegal immigration. However the media, the public, and the vast network of legislative leaders in the U.S. often overlook the dynamic system of people and environments affected by even the simplest of border security protocols. The 1994 U.S. Southwest Border Strategy in particular is one example of policy having a ripple effect on completely unintended people and environments—specifically the Tohono O’odham Nation in the middle of the Sonoran desert. When political decision makers fail to consider the cultural and environmental influences of the land they govern, they engage in a wide reaching system of feedback loops that perpetuate misrepresentation of indigenous peoples and policy breakdown.

Background

The Tohono O’odham Nation—meaning, “Desert People” in the Native language—is a federally recognized indigenous Nation that originally inhabited a large

expanse of desert land in what is today known as southern Arizona and the Northern Mexican state of Sonora. With enrollment at over 28,000 members the Tohono O’odham inhabits the third largest Indian Reservation area in the United States.¹ This desert dwelling Nation is known for their far more conservative and muted cultural rituals and living agricultural and foraging lives in spite of the harsh climate of the Sonoran Desert.²

Though it is difficult to confirm the exact date this Nation of people took residence on this land, Native oral histories and ancestral accounts passed down for generations indicate they belonged to the Sonoran desert for at least 300 years—if not for thousands of years.³ Amy Juan, an O’odham Tribal member and co-founder of the Tohono O’odham Hemajkam Rights Network, says, “we were here before America was America. We have always been here, before these lines were drawn, before these borders were created.”⁴ Though the U.S. is home for most of the Tohono O’odham Nation, several thousand members—many of which are family members of U.S. O’odham—reside in Sonora, Mexico, a result of federal land acquisitions and boundary negotiations throughout history.

¹ Tohono O’odham. (2016). Retrieved from < <http://www.tonation-nsn.gov/>>.

² *ibid.*

³ Living in No Man’s Land. (2006 September). Retrieved from <<https://www.culturalsurvival.org/publications/cultural-survival-quarterly/living-no-mans-land>>.

⁴ Schmidt, Samantha. (2016 November 15). A 75-mile wide gap in Trump’s wall? A tribe says it won’t let it divide its land. Retrieved from <<https://www.washingtonpost.com/news/morning->

Mapping

In order to understand the nature of the U.S.-Mexico border conflict, it is important to delve into the intricate challenges that the study of cartography presents in relation to cultural empowerment and oppression. Maps in themselves are merely abstract representations depicting a finite and carefully selected picture of its data. Cartographers decide specifically what information is important to include and, consequently, what to leave out creating an inherently distorted representation of information.

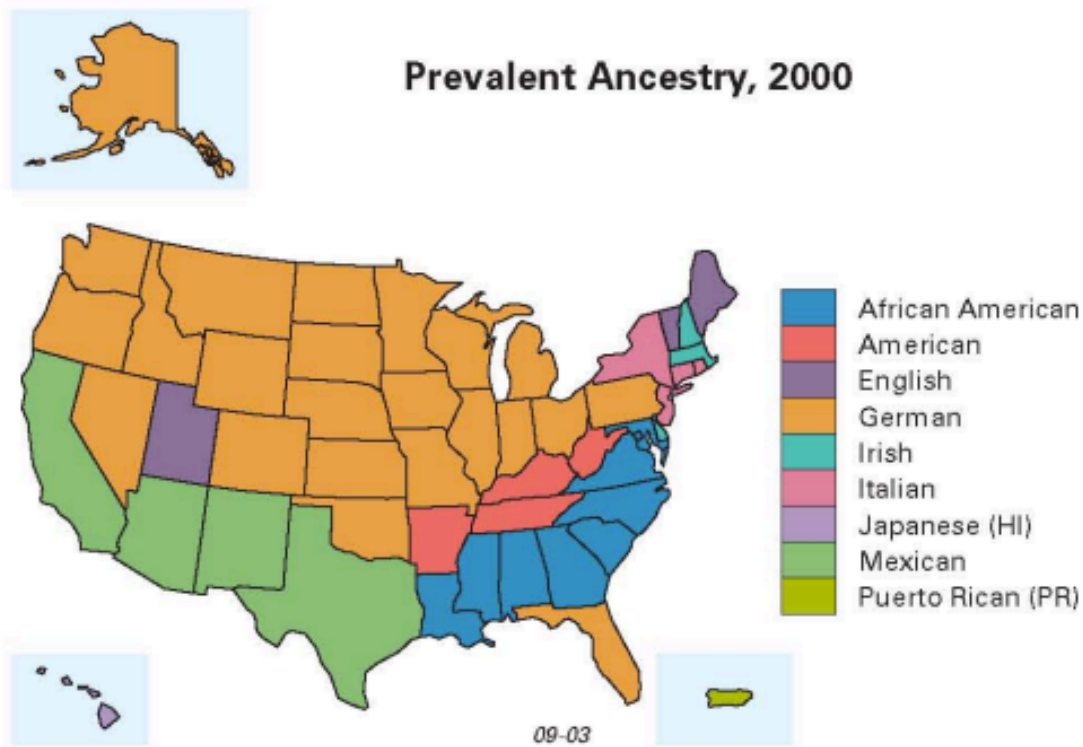


Figure 1.1 U.S. Census Bureau map showing the most prevalent ancestral prevalence by state from its 2000 publication on race and origin.⁵

⁵ U.S. Census Bureau. (2000) Race and Origin. Retrieved from <https://www.census.gov/population/www/cen2000/censusatlas/pdf/3_Race-and-Hispanic-Origin.pdf> and

For instance, consider a map of the United States showing the most predominant ancestral ethnicity by state. The diversity of the United States appears flat and predominantly German and Mexican, failing to do justice to America's melting pot.

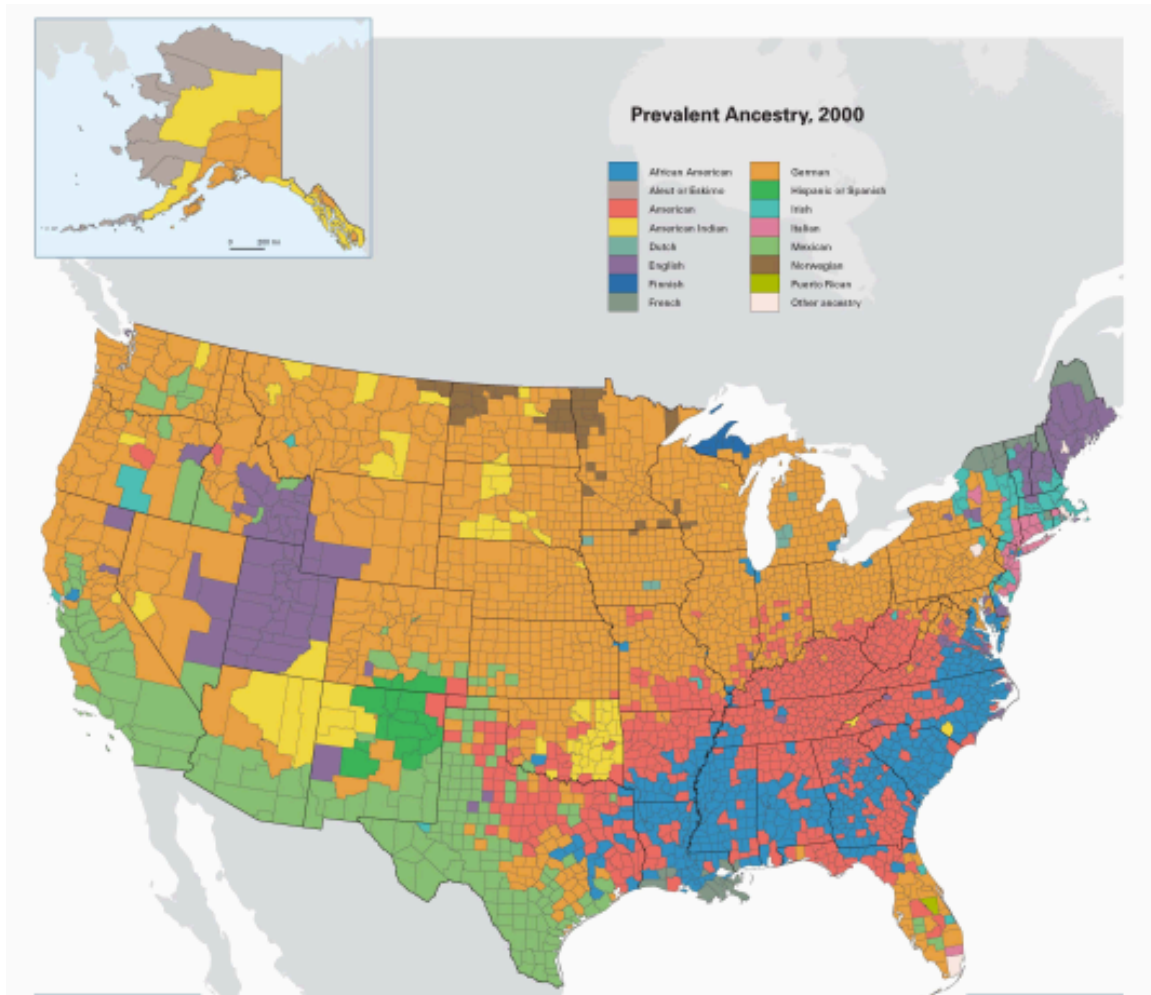


Figure 1.2 Census Bureau map from the same publication using the same data set.⁶

Now compare Figure 1.1 to a map depicting the same data at a different scale. Broken up by county and the country comes more alive with color—quite literally. Imagine how this data would appear on a smaller scale—by city or neighborhood. While the ability to

<https://www.census.gov/population/www/cen2000/censusatlas/pdf/9_Ancestry.pdf>.

⁶ *ibid.*

completely redefine a landscape using cartography is revolutionary for the data visualization and communication industries, it also presents ample opportunity to misuse and misrepresent maps, information and data. Understanding that these cartographic deficiencies exist is crucial when analyzing maps for information and to guide policy decisions. This creates a frustratingly complex task of uncovering realistic representations of information.

Combine these challenges with innovations in the cartography industry over time—from quill and ink on a scroll to Google maps in a matter of a few hundred years—and the task of accurately understanding the evolution of historic land inhabitation becomes even denser. Mapping land boundaries in the modern sense of the concept did not exist for indigenous peoples several hundred years ago. Alternate forms of tracking land such as oral history, sacred sites and land marking served as a highly localized version of Indigenous cartography. These methods, however, failed to resonate as legitimate forms of documentation in the face of Euro American conquests and settlement, and surely did not hold a candle during wartime land acquisitions.

Policies

The Tohono O’odham Nation’s complicated relationship with the Southwest Border Strategy began during post U.S.-Mexican war land cessions. The Treaty of Guadalupe Hidalgo in 1848 originally established the U.S.-Mexican border along the Gila River in Arizona slightly north of O’odham lands.⁷ The O’odham Nation’s security

⁷ Kilpatrick, Kate. (2014, May 24). U.S.-Mexico border wreaks havoc on lives of an indigenous desert tribe. Retrieved from

as a geographically united Nation was short-lived however, as the inception of the Gadsden Purchase in 1854, a mere six years later, redrew the U.S. southern border drastically altering the future for the Tohono O’odham Nation.⁸

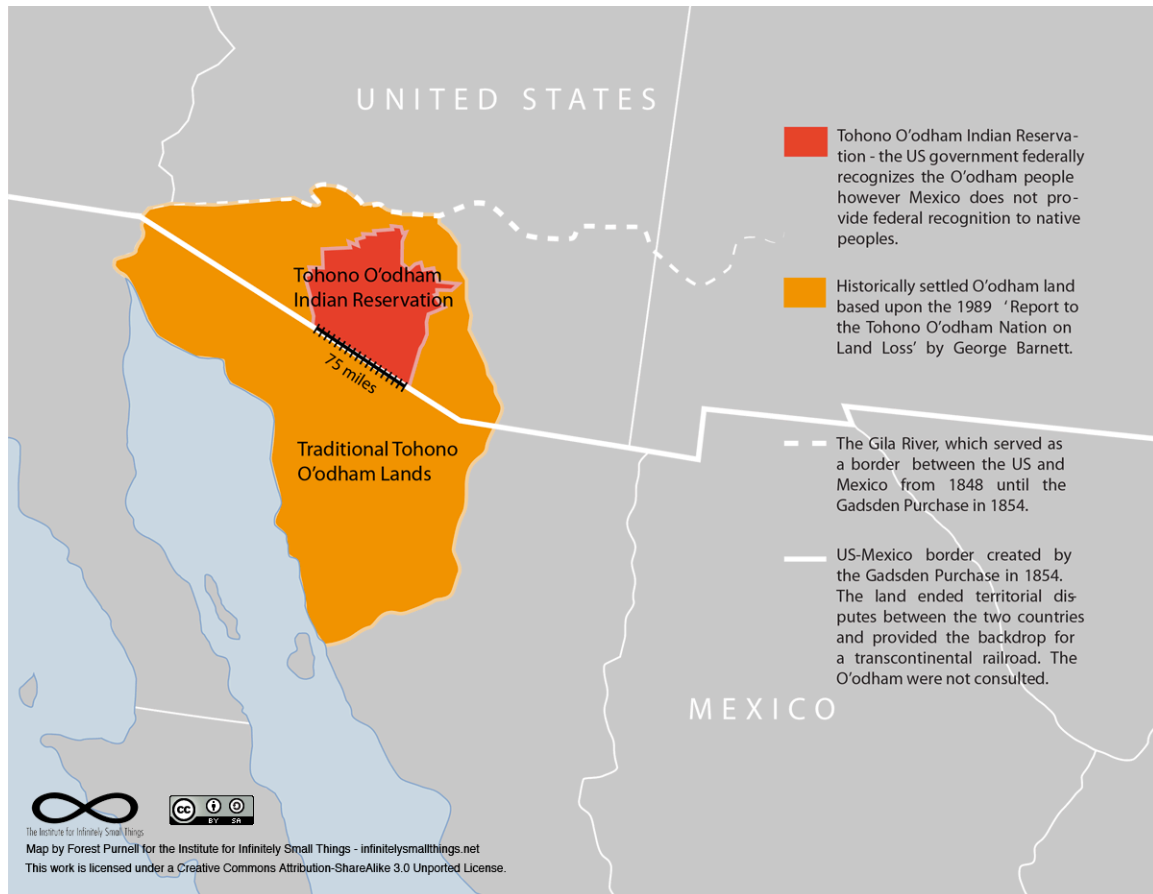


Figure 2 Map of both the historic Tohono O’odham inhabitation and present-day U.S. reservation land. Maps and people did not determine original O’odham land like the current U.S.-Mexico border. O’odham land followed the ebbs and flows of the Gulf of California up to the Gila River (Kilpatrick).

For \$10M the Gadsden Purchase added a trifling 30,000 square mile section to the southern half of Arizona, marked crudely by a straight line drawn in the sand through the Sonoran desert.⁹

<<http://america.aljazeera.com/multimedia/timeline/2014/5/tohono-o-odham-timeline.html>>.

⁸ Gadsden Purchase, 1853-1854. *Office of the Historian*. Retrieved from <<https://history.state.gov/milestones/1830-1860/gadsden-purchase>>.

This razor flat line sliced through the middle of O’odham country, severing the Nation’s ancestral lands in half. Not only was the creation of this border a symbolic gesture of separating the Nation, a wall was physically built between families. Crossing the border to visit family and sacred sites is incredibly difficult for the widely impoverished O’odham Nation. Some members lack proper identification while others face heavy scrutiny by border officials, often being treated like illegal immigrants on their journey to their own land.¹⁰ Over time many individuals lost touch with religious tradition and family members because of the obstacles between them. In 1934 the O’odham Nation began its protest of the unjust division of their land¹¹ fueling another five decades of unresolved conflict among the Tohono O’odham Nation and both the U.S. and Mexican governments.

In 1994 conflict amplified as the U.S. government enacted the Southwest Border Strategy.¹² This new protocol cracked down on illegal immigration and drug trafficking in popular urban areas in order to better secure the southern border. Tribal lands underwent road construction and fence building destroying the natural landscape that Tohono O’odham lived on for thousands of years. Ophelia Rivas, Tohono O’odham

⁹ Kilpatrick, Kate. (2014, May 24). U.S.-Mexico border wreaks havoc on lives of an indigenous desert tribe. Retrieved from <<http://america.aljazeera.com/multimedia/timeline/2014/5/tohono-o-odham-timeline.html>>.

¹⁰ Daly, Sara. (2013). Bordering on Discrimination: Effects of Immigration Policies/Legislation on Indigenous Peoples in the United States and Mexico. *American Indian Law Review* 38(1). 157-186. Retrieved from <<http://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?article=1017&context=ailr>>.

¹¹ Kilpatrick, Kate. (2014, May 25). Tohono O’odham along the U.S. Border. Retrieved from <<http://america.aljazeera.com/articles/2014/5/25/us-mexico-borderwreakshavocwithlivesofanindigenousdesertpeople.html>>.

¹² *ibid*.

member, says, “there is a word for our way of life: *Himdag*. Our way of life is based on the land and living in harmony with the land. All of this has been violated and there has been a tremendous imbalance even within our own people” in regard to the effects of the Southwest Border Strategy.¹³

The new process to cross the border without a United States passport or citizenship became so tedious that moving through these hubs was no longer a practical solution for tribal members visiting their own land—effectively ceasing tribal movement. The need to cross the border, however, persisted for many people, not just the Tohono O’odham. Whether for new economic opportunity, drug trade, leisure, or otherwise, illegal trafficking of people and drugs funneled away from urban centers into quieter desert regions of the border where patrols were less stringent. Tohono O’odham lands—with 75 miles of border land—became a primary crossing point along the southern border network, and as a result suffered all of the challenges that accompany illegal activity.¹⁴

Aanalysis

A prime example of well-intentioned legislation missing the mark, the Southwest Border Strategy suffered from a rippling out of consequences. Instead of securing borders and keeping drugs out, the border strategy made illegal activity more difficult to monitor and measure by pushing activity to the middle of the desert. The Tohono O’odham Reservation today is the number one smuggling point along the U.S.-Mexican border as it

¹³ Living in No Man’s Land. (2006 September). Retrieved from <<https://www.culturalsurvival.org/publications/cultural-survival-quarterly/living-no-mans-land>>.

¹⁴ *ibid.*

is a “path of least resistance” in the landscape of illegal trafficking.¹⁵ In 2000 over 50,800 pounds of marijuana were confiscated on O’odham lands¹⁶ but by 2009 that number skyrocketed to well over 800,000 pounds.¹⁷ In the same amount of time over a quarter of a million pounds of trash were removed from O’odham lands leftover from traffickers passing through.¹⁸ Conditions for travellers who are not adapted to the desert region are perilous. Border patrol officials found as many as 145 dead bodies in the desert, bodies belonging to individuals unable to complete their trek.¹⁹ These consequences continue to amplify over time and U.S. government spending steadily increases as the need to allocate funds to mitigate new problems continues to grow.²⁰

For the Tohono O’odham people, involvement in illegal trafficking is now one of the most viable economic opportunities available. In 2000 unemployment was at 60% and growing and per capita income is 33% below the national average.²¹ Coping with the division and interruptions to their traditional way of life while living in secluded areas away from economic hubs forces the Nation to comply and participate, or to move away. Rivas says, “There are so many young men in prison because the conditions out there are very Third World, very impoverished. They get enticed into drug trafficking by a lot of

¹⁵ Living in No Man’s Land. (2006 September). Retrieved from <<https://www.culturalsurvival.org/publications/cultural-survival-quarterly/living-no-mans-land>>.

¹⁶ *ibid.*

¹⁷ Robbins, Ted. (2009 May 19). Border Tribe in Midst of Drug Smuggling ‘Crisis’. Retrieved from <<http://www.npr.org/templates/story/story.php?storyId=104255061>>.

¹⁸ Living in No Man’s Land. (2006 September). Retrieved from <<https://www.culturalsurvival.org/publications/cultural-survival-quarterly/living-no-mans-land>>.

¹⁹ *ibid.*

²⁰ *ibid.*

²¹ *ibid.*

the main drug traffickers from Mexico.’’²² The environment created in the Tohono O’odham community is hostile and an indirect result of decision makers failing to consider the far-reaching effects that policy has on outside stakeholders.

Using modern methods of organizing land, Tohono O’odham land is defined more linearly. Government maps like Figure 3 from the Department of Transportation fail to represent the Mexican half of the Tohono O’odham nation—rather it cuts off the Nation with one straight line in the sand. Indigenous and federal perceptions of borders and land do not align making it difficult to legislate these areas fairly and in accordance with Native American sovereignty guidelines.

²² *ibid.*

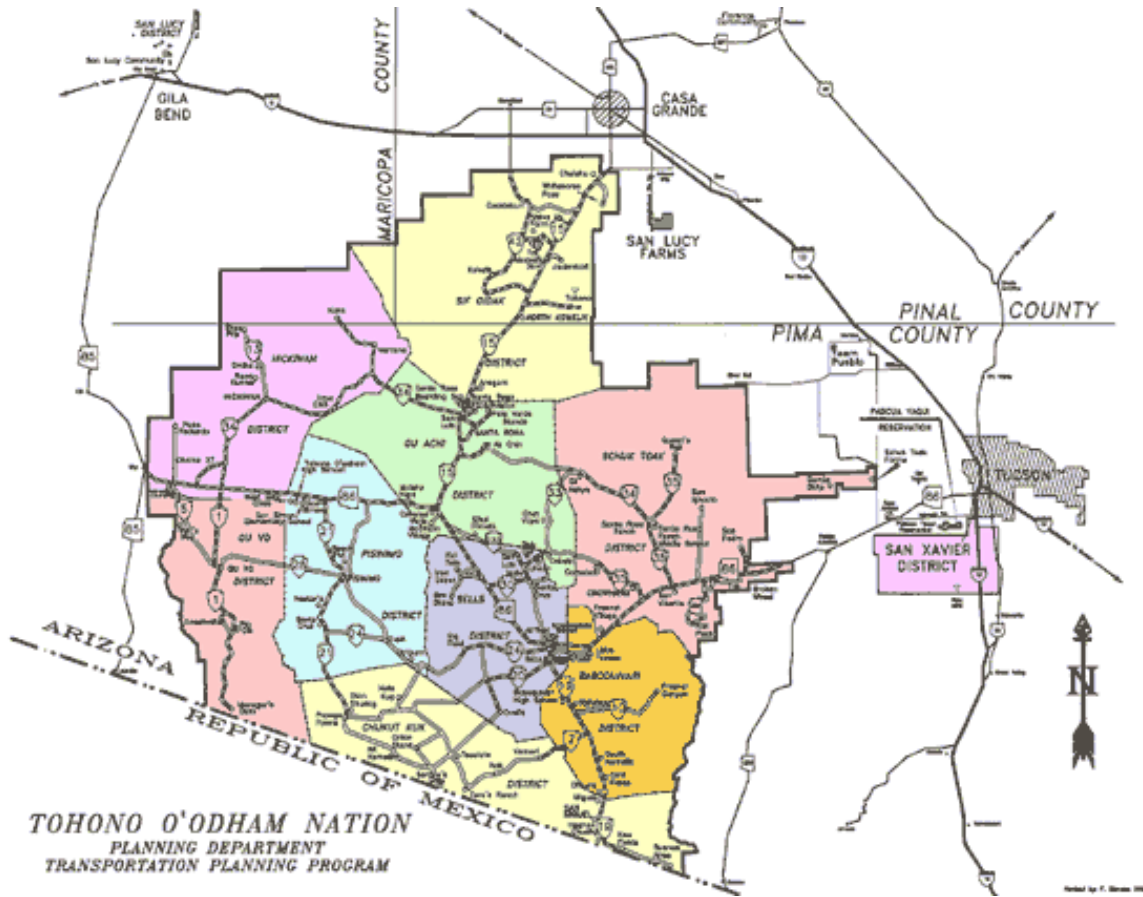


Figure 3 Consider how modern city planning uses straight cuts of land with unforgiving edges. Legislating groups of people and environmentally sensitive areas that span arbitrary boundaries becomes unnecessarily complex. Dividing land based on natural breaks in the environment and people mitigates many of the challenges presented by disjointed organization.²³

This “line in the sand” approach to border creation, maintenance and security also lacks consideration for environmental preservation, as the U.S.-Mexican border cuts through a vast expanse of desert that is difficult to patrol and monitor due to its seclusion and extreme climate.

U.S. legislation related to the southwest border is both constitutional and necessary, however decision makers fail to consider the vast system dynamics associated with every decision they make. The tension created between the need for both the

²³ TOCA: Tohono O’odham Community Action. (1996) Community Context. Retrieved from < <http://www.tocaonline.org/community-context.html>>.

preservation of indigenous sovereign rights, and the need for aid and support from border patrol, drug enforcement agencies, and public health initiatives is a complicated problem to solve when crossing jurisdictions. Conflict continues to escalate and become hostile creating a dangerous and unsanitary environment for both government border patrol officials and the O’odham people living in the area. Considering the increasingly polarized nature of the U.S.-Mexican border issue under the current presidential legislature, the Tohono O’odham Nation feels uncertainty and helplessness in the face of the impending wall proposition that ignores their legal rights to the land. Yet while the wall initiative adds to unrest and distrust in systemic political power for indigenous peoples, Juan says that it has brought their tribal Nation together to fight.²⁴

Applications

Understanding the highly nuanced nature of land conflicts between indigenous peoples and federal governments is important for both political decision makers and civilians that live in the wake of these laws. Historical oppression and displacement of Native Nations by the federal government led to the resistant nature of present day relationships when it comes to land disputes. The Tohono O’odham Nation is only one of many cases that illustrate how early political decisions—as many as a hundred years ago—ripple out and have lasting effects on the safety and well being of people for generations. Lack of understanding, empathy, and collaboration between political bodies

²⁴ Schmidt, Samantha. (2016 November 15). A 75-mile wide gap in Trump’s wall? A tribe says it won’t let it divide its land. Retrieved from <https://www.washingtonpost.com/news/morning-mix/wp/2016/11/15/a-75-mile-wide-gap-in-trumps-wall-a-tribe-says-it-wont-let-the-wall-divide-its-land/?utm_term=.c8691edb756a>.

and indigenous people fuels these negative and destructive interactions between both entities creating a positive feedback loop that never resolves issues. All parties involved would benefit from collaboration and consideration to the fact that no simple solution will satisfy the needs of all parties involved.

Moving forward, legislators must be well versed in the challenges, solutions, and effects of early political decisions. Had political leaders from the 19th century understood the importance of cultural and environmental influences in relation to border legislation, the landscape of the Southwest border would likely look very different today. The study of system dynamics is complex and multi-faceted, however a simple glance into the past at similar situations allows present-day leadership an opportunity to construct a holistic picture of challenges predictions of the future consequences of their legislation.

Abstractions and distortion in mapping, census data, and demographic information will always exist. Being aware of these limitations, however, heightens the integrity of this information. Being responsible stewards of information and knowing how to read data and maps beyond face value need to be of the utmost importance when considering legislation that affects both people and the environment. When constructing data sets specifically related to indigenous communities it is also important to consider the values and histories of each specific and unique culture. Treating oral histories, sacred sites, landmarks and other indicators as legitimate forms of historical documentation is crucial when tracking and mapping anthropological data.

Conclusion

Understanding the history and context of a place allows us to be more unbiased and objective in analyzing challenges and solutions surrounding legislation and government of that specific place. History should be treated as more than a static documentation of past events—history should be used as a means of predicting outcomes. Using past decisions, legislature and a robust network of information allows us to be more responsible stewards with our choices both politically and personally. Today’s cultural landscape for the Tohono O’odham Nation was inadvertently determined over 160 years ago with the Gadsden Purchase. While every consequence for a piece of legislation cannot be predicted, thorough understanding and attention to system dynamics as they relate to the decision could mitigate many of the unforeseen challenges in the future. Today the Tohono O’odham Nation fights to overcome a 100-year-old injustice and their community of activists serve as advocates for equal representation in policy, data and information science, and history so that future generations may embrace the *Himdag* way of living—in harmony with the land and each other.

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Daly, Sara. (2013). *Bordering on Discrimination: Effects of Immigration Policies/Legislation on Indigenous Peoples in the United States and Mexico*. *American Indian Law Review* 38(1). 157-186. Retrieved from <<http://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?article=1017&context=ailr>>.

This author discusses the challenges presented to indigenous peoples by federal and state immigration laws. One nuance in this issue is failure to quickly and effectively differentiate indigenous individuals accessing their sovereign lands from Mexican immigrants entering the United States illegally. Legislation surrounding border control issues present ample opportunity for racial profiling at border entry points and drastically affect the sovereign rights of indigenous peoples. While this essay focuses on the Yaqui tribe, it provides insight into efforts to mitigate these injustices through the use of Enhanced Tribal Identification Cards (ETCs) that utilize radio frequency identification (RTID) technology that allow for much smoother transfer across the border.

Gadsden Purchase, 1853-1854. *Office of the Historian*. Retrieved from <<https://history.state.gov/milestones/1830-1860/gadsden-purchase>>.

This is a brief essay providing context and denotative explanation of what the Gadsden Purchase of 1854 was and how it changed the American border landscape. Beginning with its discussion of the Mexican-American war it chronicles the militaristic interactions between the Mexican and American governments. While no mention of indigenous populations is made it is important to be aware of this specific land acquisition in order to have a thorough understanding of the land conflicts experienced by the Tohono O'odham Nation.

Kilpatrick, Kate. (2014, May 25). *Tohono O'odham along the U.S. Border*. Retrieved from <<http://america.aljazeera.com/articles/2014/5/25/us-mexico-borderwreakshavocwithlivesofanindigenoussdesertpeople.html>>.

Kilpatrick constructs a narrative surrounding the specific social and economic hardships experienced by the Tohono O'odham Nation in the wake of the Gadsden Purchase splitting their land in half. She takes her analysis beyond the acknowledgement that the separation creates logistical problems while crossing the border to reach family and sovereign land. She discusses the social issues, oppression and lack of representation the O'odham on the Mexican side of the border experience. Economic advantages in the U.S. as well as better healthcare and

generally a better quality of life make Mexican-side O’odham “second-class citizens” creating a rift between two sides of the same nation.

Kilpatrick, Kate. (2014, May 24). U.S.-Mexico border wreaks havoc on lives of an indigenous desert tribe. Retrieved from <<http://america.aljazeera.com/multimedia/timeline/2014/5/tohono-o-odham-timeline.html>>.

Here Kilpatrick offers a much more objective chronicle of the events preceding the Gadsden Purchase conflict among the Tohono O’odham people, all the way through to present-day threats and events affecting this case. A much less biased and neutral perspective allows readers to construct a narrative of their own without the emotional appeal of an oppressed race. Being unbiased in writing a case-study is important so that its own narrative can write itself in an accurate and well-represented manner. These events will be important to incorporate when analyzing the current state of this case.

Living in No Man’s Land. (2006 September). Retrieved from <<https://www.culturalsurvival.org/publications/cultural-survival-quarterly/living-no-mans-land>>.

This essay addresses the border conflict from the land perspective. The Tohono O’odham Nation strives to live in harmony with the land as their ancestors did long before white Euro-Americans settled in the West. They “were here first” and as such believe that the land they live on truly belongs to their sovereign nation. While the U.S. border control strategy from the 1990’s aimed to crack down on illegal immigrants and drug trafficking at major cross-points, it eventually just forced smuggling efforts into Native land. This increase in drug and immigrant trafficking has had drastic effects on both the environment and quality of living for the Tohono O’odham Nation bringing violence, death, litter, and crime to their vulnerable homeland.

Robbins, Ted. (2009 May 19). Border Tribe in Midst of Drug Smuggling ‘Crisis’. Retrieved from <<http://www.npr.org/templates/story/story.php?storyId=104255061>>.

A brief synopsis of drug activity on the Tohono O’odham sovereign land. The drug economy of the area is massive and tempts many tribal members—often far below the national average for income and likely unemployed—because of the massive payoff they receive from cartels. Though Tohono O’odham want to preserve and maintain their sovereign rights over their land, they also see the devastating effects of drug trafficking and are open to collaborating with federal officials to find a solution.

Schmidt, Samantha. (2016 November 15). A 75-mile wide gap in Trump's wall? A tribe says it won't let it divide its land. Retrieved from <https://www.washingtonpost.com/news/morning-mix/wp/2016/11/15/a-75-mile-wide-gap-in-trumps-wall-a-tribe-says-it-wont-let-the-wall-divide-its-land/?utm_term=.c8691edb756a>.

This author discusses the present-day pressures experienced by the Tohono O'odham tribe in light of the recent Trump administration's promise to build a wall along the U.S.-Mexico border. The O'odham people adamantly refuse to support the construction of this wall on their land because of the implications it has for their people, culture, accessibility and environmental health. Concerns for this new legislation do not stop at the construction of the wall, they lie in the fear for increased militarization near their land, and the social climate of fear and discrimination this separation implies for the two sides of their separated nation.

TOCA: Tohono O'odham Community Action. (1996) Community Context. Retrieved from < <http://www.tocaonline.org/community-context.html>>.

Department of Transportation map used to illustrate the rigid boundary lines and city planning strategy used by modern legislators.

Tohono O'odham. (2016). Retrieved from < <http://www.tonation-nsn.gov/>>.

Official Website of the Tohono O'odham Nation provides accurate and up to date demographic information about the tribe. Also gave insight into the culture and values of the Nation, most importantly *Himdag* the idea that at the center of life the O'odham Nation values living in harmony with the earth and each other.

U.S. Census Bureau. (2000) Race and Origin. Retrieved from < https://www.census.gov/population/www/cen2000/censusatlas/pdf/3_Race-and-Hispanic-Origin.pdf> and < https://www.census.gov/population/www/cen2000/censusatlas/pdf/9_Ancestry.pdf>.

Source for maps demonstrating distortions in information based on scale, reporting, and cartographer discretion.

Outline

Intro:

Discuss the political and legislative challenges and threats to sovereign rights facing indigenous tribes along the U.S.-Mexico border, specifically the Tohono O'odham Nation.

Background:

Chronicle the history of the land based on federal land exchanges, settlement, and the need for stronger border patrol and security—specifically illegal immigration and drug trafficking. Then discuss this history within the context of the historical inhabitation of the Tohono O’odham Nation and the effects these changes have had on quality of life and sovereign rights.

Policies Affecting this Case:

Talk about how the original Treaty of Guadalupe Hidalgo preserved the Tohono O’odham Nation’s lands in one piece, and then how the agreement of the Gadsden Purchase split their nation in half. Discuss the evolution of the conflict with the establishment of the reservation, the Indian Reorganization Act, and U.S. Southern Border Strategy. Mention how this is infringement on the United Nations Declaration on the Rights of Indigenous Peoples, but also how it is a difficult political landscape to navigate due to the high drug trafficking rates in the region and the need to secure national borders in order to protect the quality of life, health and safety of both indigenous peoples and American citizens.

Analysis of Political implications:

Highlight the tension created between the need for both the preservation of indigenous sovereign rights, but also the need for aid and support from border patrol, drug enforcement agencies, and public health initiatives. Discuss the hostile and unsanitary environment created due to this high-conflict area. Finally address the uncertainty and helplessness experienced by a Nation in the face of the current political power in the United States and how the initiative to build a wall contributes to unrest and distrust in systemic political power.

Applications:

Understanding the highly nuanced nature of land conflicts between indigenous peoples and federal governments. Be aware of the effects of historical oppression and displacement among Native Nations, which have led to the resistant nature of present day relationships when it comes to land disputes. Point out how lack of understanding, empathy, and collaboration between political bodies and indigenous people fuels the negative and destructive interactions between both entities. Consider how these relationships could be improved, and understand there is no clean and simple solution that satisfies the needs of all parties.

Conclusion:

Look at how understanding the history and context of a particular place allows us to be more unbiased and objective in analyzing challenges and solutions surrounding legislation and government of that place. Also serves as an example of how looking at decision-makers throughout history and the effects of their actions allows us to be more responsible stewards with our choices both politically and personally.