

# NATIONAL CONGRESS OF AMERICAN INDIANS

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### RESOLUTION #STP-00-055

#### Title: Amend the Immigration Nationality Act of 1952

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, the Tohono O'odham people have lived and traversed the lands of what is now southern Arizona and northern Sonora, Mexico since time immemorial; and

WHEREAS, the Tohono O'odham Nation has historically-for hundreds of years prior to federal recognition of the Nation as a sovereign and the creation of the International Boundary-enrolled members based on O'odham blood quantum; and

WHEREAS, thousands of members of the Tohono O'odham Nation who were born in the United States and whose births were never registered are unable to obtain benefits, U.S. passports, driver's licenses, in some cases, employment, and travel freely across the International boundary; and

**NCAI 2000 57TH ANNUAL SESSION****RESOLUTION #STP-00-055**

**WHEREAS**, hundreds of members who were born in Mexico and whose parents were born in the United States but whose births in the United States were never registered are unable to obtain "derivative" United States citizenship status and are, therefore, denied benefits, driver's licenses, U.S. passports, employment and can not freely cross the International Boundary; and

**WHEREAS**, hundreds of members born in Mexico have lived and worked in the United States without documents their entire lives; and

**WHEREAS**, members born and residing in Mexico are denied numerous rights enjoyed by members of other federally recognized Native American sovereigns; and

**WHEREAS**, all of these members, including the United States citizens, are subject to arrest, deportation, seizure of their vehicles and criminal prosecution when encountered in the United States without documentation; and

**WHEREAS**, the recent militarization of the Nation's lands adjacent to the International Boundary has resulted in the arrest, deportation, seizure of vehicles and criminal prosecution of numerous members; and

**WHEREAS**, the Tohono O'odham Legislative Council finds that members of the Nation are not immigrants but are indigenous people and should not be subject to immigration laws and/or state delayed birth registration requirements; and

**WHEREAS**, the Tohono O'odham Legislative Council further finds that all of the Nation's members should be United States citizens and that based on the government-to-government relationship, the Nation's membership credential should serve as the legal equivalent of a state-issued birth record and/or a federally -issued Certificate of Citizenship for all legal intents and purposes.

**NOW THEREFORE BE IT RESOLVED**, that NCAI does hereby formally request that the United States Congress, amend the Immigration and Nationality Act of 1952, as amended, at Subchapter III, Nationality at Birth and Collective Naturalization, Part 1: Nationality at Birth and by Collective Naturalization, §Nationals and Citizens of the United States at Birth, (8USC §401), by adding the following new subsection (i):

The following shall be nationals and citizens of the United States at birth:

(i) *a person who is an enrolled member of the Tohono O'odham Nation. The valid membership credential issued to such member pursuant to the laws of the Tohono O'odham Nation shall serve as the legal equivalent of the federally-issued Certificate of Citizenship and/or the state-issued birth certificate for all intents and purposes; and*

**NCAI 2000 57TH ANNUAL SESSION**

**RESOLUTION #STP-00-055**

**BE IT FURTHER RESOLVED**, that NCAI does hereby formally request that the President of the United States sign the amendment proposed in Section 1 here in above.

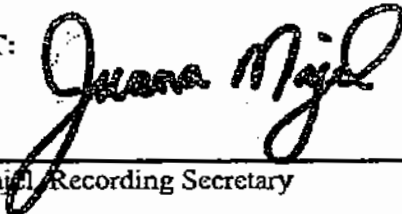
**CERTIFICATION**

The foregoing resolution was adopted at the 2000 Annual Session of the National Congress of American Indians, held in St. Paul, Minnesota on November 12-17, 2000 with a quorum present.



Susan Masten, President

ATTEST:



Juana Matel, Recording Secretary

Adopted by the General Assembly during the 2000 Annual Session of the National Congress of American Indians, held in St. Paul, Minnesota on November 12-17, 2000.