

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Requesting that Congress amend the present nationality law and that the President
sign this amendment)

RESOLUTION NO. 2000-512

- 1 **WHEREAS, the Tohono O'odham people have lived and traversed the lands of what is now**
2 **southern Arizona and northern Sonora, Mexico since time immemorial; and**
- 3 **WHEREAS, the Tohono O'odham Nation has historically, for hundreds of years prior to federal**
4 **recognition of the Nation as a sovereign and the creation of the International**
5 **Boundary, enrolled members based on O'odham blood quantum; and**
- 6 **WHEREAS, thousands of members of the Tohono O'odham Nation who were born in the United**
7 **States and whose births were never registered are unable to obtain benefits, U.S.**
8 **passports, driver's licenses, in some cases, employment, and travel freely across the**
9 **International Boundary; and**
- 10 **WHEREAS, hundreds of members who were born in Mexico and whose parents were born in the**
11 **United States but whose births in the United States were never registered are unable**
12 **to obtain "derivative" United States citizenship status and are, therefore, denied**
13 **benefits, driver's licenses, U.S. passports, employment and can not freely cross the**
14 **International Boundary; and**
- 15 **WHEREAS, hundreds of members born in Mexico have lived and worked in the United States**
16 **without documents their entire lives; and**
- 17 **WHEREAS, members born and residing in Mexico are denied numerous rights enjoyed by**
18 **members of other federally recognized Native American sovereigns; and**
- 19 **WHEREAS, all of these members, including the United States citizens, are subject to arrest,**
20 **deportation, seizure of their vehicles and criminal prosecution when encountered**
21 **in the United States without documentation; and**
- 22 **WHEREAS, the recent militarization of the Nation's lands adjacent to the International Boundary**
23 **has resulted in the arrest, deportation, seizure of vehicles and criminal prosecution**
24 **of numerous members; and**
- 25 **WHEREAS, the Tohono O'odham Legislative Council finds that members of the Nation are not**
26 **immigrants but are indigenous people and should not be subject to immigration laws**
27 **and/or state delayed birth registration requirements; and**
- 28 **WHEREAS, the Tohono O'odham Legislative Council further finds that all of the Nation's**

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1 **members should be United States citizens and that based on the government-to-**
2 **government relationship, the Nation's membership credential should serve as the**
3 **legal equivalent of a state-issued birth record and/or a federally-issued Certificate**
4 **of Citizenship for all legal intents and purposes.**

5 **NOW, THEREFORE, BE IT RESOLVED that:**

- 6 **1. The Tohono O'odham Nation, acting by and through the Tohono O'odham**
7 **Legislative Council, hereby formally requests that the United States Congress,**
8 **amend the Immigration and Nationality Act of 1952, as amended, at**
9 **Subchapter III, Nationality and Naturalization,**
10 **Part 1: Nationality at Birth and by Collective Naturalization,**
11 **§301: Nationals and Citizens of the United States at Birth,**
12 **(8USC §1401), by adding the following new subsection (i):**

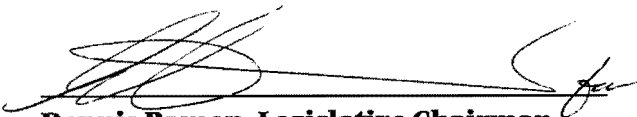
13 **The following shall be nationals and citizens of the United States at birth:**

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

- 19 **2. The Tohono O'odham Nation, acting by and through the Tohono O'odham**
20 **Legislative Council, hereby formally requests that the President of the United**
21 **States sign the amendment proposed in Section 1 hereinabove.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 26TH. Day**
23 **of OCTOBER, 2000 at a meeting at which a quorum was present with a vote of 1,128.9 FOR; 878.5**
24 **AGAINST; -0- NOT VOTING; and 158.1[03] ABSENT, pursuant to the powers vested in the Council by**
25 **Section 1 (j) of Article VI and Section 2 (d) of Article VII of the Constitution of the Tohono O'Odham**
26 **Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting**
27 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16**
28 **of the Act of June 18, 1934 (48 Stat. 984).**

29
30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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34 **Dennis Ramon, Legislative Chairman**

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36 1 day of November, 2000

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ATTEST:



Julianna Saraficio, Acting Legislative Secretary

26 day of October, 20 00.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 1 day of November, 20 00 at 2:13 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



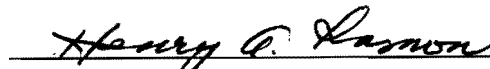
Dennis Ramon, Legislative Chairman

APPROVED

on the 3 day of November, 20 00

DISAPPROVED

at 9:20 o'clock, A.M.



EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 3rd day of
November, 20 00, at 10:29 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: REQUESTING THAT CONGRESS AMEND THE PRESENT NATIONALITY LAW AND THAT THE PRESIDENT SIGN THIS AMENDMENT

MOVED: COUNCILMAN DAVID GARCIA

SECOND: COUNCILMAN TONY BURRELL

DATE: OCTOBER 26, 2000

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9		X		
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ()	186.35		X		
	2. EVELYN JUAN ()	186.35		X		
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7		X		
	2. AMBROSE ENCINAS ()	66.7		X		
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95	X			
	2. DENNIS RAMON ()	82.95	X			
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25		X		
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25		X		
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON** ()	104.8	X			
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ()	78.4	X			
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05	X			X
	2. GLORIA RAMIREZ ()	64.05	X			
GU VO 160.0	1. FERN SALCIDO ()	80.0	X			
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
HICKIWAN 158.1	1. SHIRLEY MOLINA ()	79.05				X
	2. LLOYD FRANCISCO (Susan Sam)	79.05				X
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
TOTAL		2,165.5	1,128.9	878.5	-0-	158.1 (03)

**PASSED VOTES