Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

SENATE MEMORIAL 1002

A MEMORIAL

SUPPORTING THE TOHONO O'ODHAM NATION'S CITIZENSHIP ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

To the Congress of the United States:

Your memorialist respectfully represents:

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

Whereas, the Tohono O'odham Nation, for hundreds of years before federal recognition of the Nation as a sovereign and the creation of the international boundary, has historically 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, such as United States passports, driver licenses and in some cases employment, and travel freely across the international boundary; and

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, such as driver licenses, United States passports and employment, and cannot 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 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, members of the Tohono O'odham Nation are not immigrants but are indigenous people and should not be subject to immigration laws and state delayed birth registration requirements; and

Whereas, all of the Nation's members should be United States citizens and based on the government-to-government relationship between the United States and the Tohono O'odham Nation, the Nation's membership credential should serve as the legal equivalent of a state issued birth record or a federally issued certificate of citizenship for all legal intents and purposes.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress of the United States pass legislation to amend the Immigration and Nationality Act of 1952, Chapter 2 of Title III (8 United States Code section 1421 et seq.) by inserting after section 322 the following:

ENROLLED MEMBERS OF TOHONO O'ODHAM NATION, SEC. 323.

(a) GRANTING OF CITIZENSHIP. A person who is listed on the official membership roll of the Tohono O'odham Nation, federally recognized American Indian nation located in Arizona, is a citizen of the United States as of the date on which the listing occurs.

(b) NO DERIVATIVE BENEFITS TO RELATIVES. Nothing in this section shall be construed as providing for any benefit under this act for any spouse, son, daughter or other relative of a person granted citizenship under this section.

(c) CLERICAL AMENDMENT. The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 322 the following new item:

Sec. 323. Enrolled members of the Tohono O'odham Nation

(d) Notwithstanding any other provision of law, the valid membership credential issued to a person who is listed on the official membership roll of the Tohono O'odham Nation pursuant to the laws of the Tohono O'odham Nation shall be considered, for all purposes subject to federal law, equivalent to:

(i) a certificate of citizenship issued under section 341(a) of the Immigration and Nationality Act (8 United States Code section 1452(a)) to persons who satisfy the requirements of such section; and

(ii) a state issued birth certificate.

2. That the President of the United States sign the legislation proposed above on its passage by Congress.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

PASSED BY THE SENATE MARCH 12, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 12, 2003.

Passed the Senate March 12, 20 03,

by the following vote: 22 Ayes,

7 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

S.M. 1002

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12 day of March, 2003

at 4:20 o'clock P M.

Secretary of State