



**MONTANA  
AMERICAN  
INDIAN CAUCUS**

February 7, 2011

EXHIBIT 1  
DATE 2/7/11  
HB 392

The Honorable Harry Klock, Chair, and Members of the Federal Relations, Energy, and Telecommunications Committee

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|---------------------|--------------------|---------------------|
| Rep. Carlie Boland  | Rep. Gary MacLaren | Rep. Mike Phillips  |
| Rep. Robyn Driscoll | Rep. Mary McNally  | Rep. Keith Regier   |
| Rep. Douglas Kary   | Rep. Mike Menahan  | Rep. Derek Skees    |
| Rep. James Knox     | Rep. Jesse O'Hara  | Rep. Sterling Small |
| Rep. Austin Knudsen | Rep. Ken Peterson  | Rep. Wayne Stahl    |

Dear Chairman Klock:

The Montana American Indian Caucus of the 62<sup>nd</sup> Legislature is in vehement opposition of HB 392, which would change the definition of who is a citizen of the State of Montana.

Clearly, American Indian peoples – Montana’s first citizens, will be disproportionately affected by the passage of this bill. Montana’s tribes *are* sovereign nations, and treated as such. Therefore, the following language pertaining allegiance to foreign sovereignty and citizenship is of serious concern.

*Section 1, lines 16-19, "For the purposes of this section, 'subject to the jurisdiction of the United States' has the meaning that it bears in section 1 of the 14<sup>th</sup> amendment to the United States constitution, namely that the person is a child of at least one parent who owes no allegiance to any foreign sovereignty or a child without citizenship or nationality in any foreign country."*

Furthermore, American Indians are recognized as possessing dual citizenship, which more than 60,000 American Indians are enrolled citizens of Montana’s sovereign, and foreign, tribal nations. However, the ambiguity of HB 392 presents a serious grey area regarding children who are born to dual citizens, or have dual citizenship themselves.

As members of the Montana American Indian Caucus, we argue that HB 392 dangerously approaches precedents set by our country’s past mistakes based on discriminatory politics.

The principles of the 14<sup>th</sup> Amendment are essential to protecting all of us – we must not let 2011 become the year that Montana joins the ranks of our country’s past discriminatory transgressions.

The Montana American Indian Caucus strongly urges the Federal Relations, Energy, and Telecommunications Committee to not pass HB 392.

With Sincere Opposition, we are

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