



## Office of the Tribal Chief Cyrus Ben

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January 27, 2025

Halito, Tribal Members:

I am writing to you in light of the concerns many of you have expressed regarding the recent executive orders and actions taken by the federal government, particularly regarding birthright citizenship. I want to assure you that the executive order issued by the Trump administration regarding **birthright citizenship** does not impact our status as United States citizens.

Many of you have heard or read about the Trump Administration's Executive Order issued on January 20, 2025, titled "*Protecting the Meaning and Value of American Citizenship*," which is set to apply as of February 19, 2025 and onwards, but not retroactively. In this Executive Order, the Trump Administration states that not only must a person be born in the United States to be eligible for **birthright citizenship**, but that person must also be subject to the jurisdiction of the United States. The Executive Order excludes the following persons from birthright citizenship "(1) When that person's mother was unlawfully present in the United States and the person's father was not a United States Citizen or lawful permanent resident at the time of said person's birth, or (2) when that person's mother's presence in the United States was lawful but temporary, and the person's father was not a United States citizen or lawful permanent resident at the time of said person's birth."

In response to this Executive Order, several states sued in Federal District Courts challenging the Executive Order. The United States Department of Justice (DOJ) responded by opposing the litigation. In their response, the DOJ interpreted "subject to the jurisdiction of the United States," by citing language from an 1884 United States Supreme Court case regarding Native Americans. In the **1884** case, *Elk v. Wilkins*, the Supreme Court held that citizens of Tribal Nations are not subject to the jurisdiction of the United States and are not entitled to United States citizenship because they owe immediate allegiance to their Tribal Nations. The DOJ asserted that children of non-citizens in the United States illegally and children of temporary visa holders should be considered subject to foreign powers and therefore are not eligible for birthright citizenship.

The DOJ's legal argument was not that Native Americans are not presently United States Citizens. In fact, Congress enacted the **Indian Citizenship Act of 1924**, which declares that **Native Americans born within the United States are citizens of the United States.**

While the legal argument that brought Native Americans into the fold, did not acknowledge the present status of Native American citizenship, the DOJ was using the language in the *Elk* case to

defend the language of the Executive Order and not to imply Native American citizenship was being questioned or is in jeopardy. However, carrying your State issued Identification Card, Tribal Identification Card, or CDIB with you at all times is always a safe and proactive measure as it ensures your proof of identity.

Myself and my administration are actively communicating with our federal, state, and local representatives to stay informed about federal/state laws or decisions affecting our tribe. We will continue to engage with lawmakers to advocate for the best interests of the Mississippi Band of Choctaw Indians. I will continue to defend our rights as members of a sovereign nation and urge the United States Government to honor its trust and treaty responsibilities.

Yakoki

A handwritten signature in black ink, appearing to read 'Cyrus Ben', written in a cursive style.

Cyrus Ben  
Tribal Chief