



2022 Mid Year Convention Ferndale, Washington

RESOLUTION #2022 –24

To Support the Jay Treaty Border Alliance, to Call Upon the United States and Canada to Recognize and Indigenous Right of Border Entry, and Form a Standing Committee on Border Crossing Issues

PREAMBLE

We, the members of the Affiliated Tribes of Northwest 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 rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

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

WHEREAS, Indian nations and tribes are the original American sovereigns that predate the United States and Canada, vested with sovereign power derived from status as indigenous nations;

WHEREAS, Indigenous peoples and nations located near what is now the border between the United States and Canada freely traveled by land and water, maintained family and tribal relations, fished and hunted, and engaged in trade with other Indigenous peoples since time immemorial; and

WHEREAS, the Treaty of Amity, Commerce, and Navigation of 1795 (Jay Treaty) between the United States and Great Britain addressed United States-Canadian border issues, splitting many Indigenous nations living along the border, but expressly preserved under Article III the right of Indians to pass freely across the border by land, inland, or water; and

WHEREAS, in 1952, the United States implemented the Jay Treaty by enacting Section 289 of the Immigration and Nationality Act to codify the right of Indians “who possess at least 50 per centum of blood of the American Indian race” to cross the United States-Canada border (INA Section 289); and

WHEREAS, Canada never recognized the Jay Treaty nor implemented the right of entry for American-born Indians, thus causing hardship in crossing the border and maintaining cultural, social and economic connections with each other; and

WHEREAS, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has been endorsed by all countries, and is a significant development in international human rights law that recognizes under Article 36 the right of Indigenous peoples, particularly those divided by international borders, to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders; and

WHEREAS, Canada enacted legislation to adopt the United Nations Declaration on the Rights of Indigenous Peoples Act (SC 2021, c.14, June 21, 2021), has not yet established a “right of entry” for United States born Indians into Canada, but is now beginning the process of fully implementing the Declaration as a matter of Canadian federal law; and

WHEREAS, ATNI recognizes the need for Canada to enact legislation to implement Article 36 of UNDRIP to secure a right of entry into Canada for American-born Indians for cultural, social, and economic purposes, to fish and hunt, and to otherwise pass freely as they may desire; and

WHEREAS, the reference to blood quantum in INA Section 289 to “50 per centum of blood of the American Indian race” stems from the termination era when the United States government sought to eradicate Indian nations and tribes, is racist and discriminatory; and

WHEREAS, ATNI recognizes the need for the United States INA Section 289 to eliminate the reference to “50 per centum of blood of the American Indian race” in favor of recognition of status or citizenship as an Indian for purposes of entry into the United States; and

WHEREAS, the Jay Treaty Border Alliance is a coalition of sovereign American Indian nations and First Nations working together to change American and Canadian laws to secure a right of entry for Indigenous peoples in both countries regardless of place of birth and to engage in tribal, commercial, and subsistence activities in both countries; now

THEREFORE BE IT RESOLVED, the Affiliated Tribes of Northwest Indians supports the efforts of the Jay Treaty Border Alliance and its work in both the United States and Canada to secure rights of entry into each country as a matter of right, to promote cultural, social and economic relations, and to exercise the right to hunt and fish, and related rights; and

BE IT FURTHER RESOLVED, that the Affiliated Tribes of Northwest Indians calls upon Congress to amend Section 289 of the Immigration and Nationality Act to eliminate the reference to “50 per centum of blood of the American Indian race” in favor of recognition on the basis of status or citizenship; and

BE IT FURTHER RESOLVED, that the Affiliated Tribes of Northwest Indians calls upon Canada to recognize a right of entry into Canada for Indians born in the United States; and

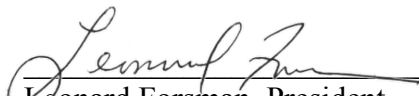
BE IT FURTHER RESOLVED, that the Affiliated Tribes of Northwest Indians calls upon both the United States and Canada to recognize and protect the rights of Indigenous people to engage freely in social, cultural, and economic activities across the border as recognized by the United Nation Declaration on the Rights of Indigenous Peoples; and

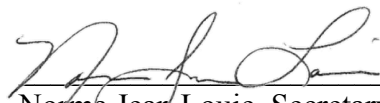
BE IT FURTHER RESOLVED, that the Affiliated Tribes of Northwest Indians hereby establishes a standing Committee on Indigenous Border Crossing Rights for purposes of engaging with both the American and Canadian governments on border-related issues, including recognizing a right of entry regardless of place of birth; and

BE IT FINALLY RESOLVED, that this resolution be forwarded to regional and national forums, not limited to the National Congress of American Indians, United South & Eastern Tribes, California Association of Tribal Governments, Native American Finance Officers Association, the Great Plains Tribal Chairman’s Association, and the Midwest Alliance of Sovereign Tribes.

CERTIFICATION

The foregoing resolution was adopted at the 2022 Mid-Year Convention of the Affiliated Tribes of Northwest Indians at Silver Reef Casino and Resort, May 16-19-2022, with a quorum present.


Leonard Forsman, President


Norma Jean Louie, Secretary