

[INSERT LETTERHEAD]

**TRIBAL GOVERNMENT SUPPORT LETTER FOR
THE TRIBAL BORDER CROSSING PARITY ACT**

_____ / _____

Re: **Support for the Tribal Border Crossing Parity Act**

Dear Representative _____:

As a result of the United States – Canada border, Indigenous people located near or on the border are geographically, politically, and culturally divided.

The Treaty of Amity Commerce and Navigation of 1794 (commonly referred to as the Jay Treaty) between the United States and Great Britain recognizes the inherent right of Indians on both sides of the border to pass freely between the two countries regardless of citizenship. Article III of the Jay Treaty states, "*[i]t is agreed, that . . . the Indians dwelling on either side of the [United State-Canadian Border], freely to pass and repass, by land or inland navigation into the respective territories and countries of the two parties on the continent of America...*"

In 1952, Congress enacted Pub. L. 82-414, the Immigration and Nationality Act (INA), to govern immigration and citizenship in the United States. Section 289 of the INA (now codified in 8 U.S.C. § 1359) provides that the right of American Indians born in Canada to enter the United States "*shall extend only to persons who possess at least 50 per centum of blood of the American Indian race.*" As a result, Indian people are being denied entry into the United States to work, live, or visit family living just across the border if they are perceived to be less than or cannot prove they possess more than 50% Indian blood to U.S. Customs and Border Protection agents.

Federal Indian law recognizes the right of Indian tribes to establish their own standards for citizenship and membership. *See Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978). 8 U.S.C. § 1359 is therefore inconsistent with federal law because it relies upon blood quantum as a measure of tribal affiliation, rather than proof of enrollment in a Federally recognized Indian tribe in the United States or Canada.

The Tribal Border Crossing Parity Act would amend 8 U.S.C. § 1359 to remove the blood quantum requirement altogether and instead recognize proof of enrollment in a federally recognized tribe when crossing the United States - Canada border. The Senate bill to amend the Immigration and Nationality Act would do so with respect to the right of members of a federally recognized Indian Tribe in the United States and First Nations individuals in Canada to cross the borders of the United States.

The _____ strongly supports the Tribal Border Crossing Parity Act and urges you to join as a co-sponsor of the bill and to vote in its favor upon consideration by the House of Representatives.

Sincerely,