



The Council of the Three Fires Anishinaabek Border Declaration



Summary

We, the Council of Three Fires – otherwise known as the Three Fires Confederacy or Anishinaabek made up of the Chippewa (Ojibwe), Potawatomi, and Odawa (Ottawa) Nations – have existed on both sides of what is now the U.S.-Canada border long before Europeans arrived in North America. For us, there is no border. We rely on our ability to freely pass to maintain our familial relations and to practice our culture.

Our ability to cross the border has been impacted by the increase in security following September 11, 2001, and more acutely, following the implementation of COVID-19 border testing procedures.

We ask that lawmakers in both the U.S. and Canada commit to working expeditiously with communities to support our ability to exercise our rights when we cross the border.

Background

Our nations have inhabited the Great Lakes region since before the arrival of European settlers.

We act in solidarity and alliance with our sister nations that have also been impacted by the U.S. Canada border. This includes the Haudenosaunee and others to our east, the Colville, Sinixt, and many other nations to our west, and members of the Tribal Border Alliance along the Alaska-Canada border.

The Great Lakes were historically an important trade corridor that served to bring our people together.

Despite the imposition of the international boundary, our citizens continue to cross the international border for purposes of ceremony, reuniting with family, commuting to work, retirement, and for many other reasons.

The U.S. recognizes the right of First Nations members that can prove fifty percent or more North American Indian ancestry to cross into Canada for travel, work, and to live without being subject to Citizenship and Immigration Services. The U.S. recognizes these rights under the 1794 Jay Treaty between the U.S. and the British Crown.

Despite treaties and U.S. recognition, Canada does not recognize the right of the Anishinaabek or other Indigenous people with tribal status in the U.S. to cross into Canada.



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Recently, our members have faced challenges when trying to cross the international boundary. The increase in border security following the September 11, 2001, attacks led to new obstacles for our people seeking to cross the border.

The restrictions associated with COVID-19 have severely impacted the ability for our members to exercise their rights, especially a series of Orders in Council that have imposed border testing requirements along with financial and technological barriers.

Our community-based testing solutions have been refused, and many of our members have had difficulty with or do not trust the ArriveCan App. Members have missed weddings, funerals, new babies, and visits with family in palliative care.

Members have been subject to inappropriate examinations by border officials from both countries, including humiliating questions, long wait times in secondary inspections, and even having firearms drawn on them.

Immediate Steps

Given the severe impact that recent COVID-19 restrictions have had on our communities and our families, we are asking for immediate attention from and collaboration with lawmakers from both the U.S. and Canada to address these impediments to our right of free passage across the international boundary.

We ask lawmakers to commit to the following and to develop clear timelines for implementation:

1. Increased representation of Indigenous officers within U.S. Customs and Border Protection (CBP) and Canada Border Services Agency (CBSA) through a transparent recruitment strategy with defined measures and outcomes.
2. Education of all CBP and CBSA staff and officers through training programs that are designed and delivered by First Nations and tribal communities.
3. Access to the same privileges as NEXUS travels with dedicated, trained officers to process Indigenous travellers at these lanes.
4. An exemption to the prescribed use of ArriveCan app for our members. Our nations are willing to develop community-based solutions with health officials when a bonafide safety concern exists with respect to our members crossing the border.



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Recognition of Our Rights

In addition to the steps outlined above, we wish to work with lawmakers to correct the current interpretations of border crossing rights. The existing frameworks have caused harm to our members in the form of excessive scrutiny and other undue delays at the border.

We are requesting that lawmakers commit resources in a timely manner to resolve the following issues in consultation with our communities:

1. Revision or elimination of the 50% blood quantum requirement for First Nations entry to the U.S.

Unlike the U.S., Canada has no statutory or regulatory framework for determining blood quantum of First Nations members. First Nations membership is tied to a multi-part test that is codified in the Indian Act and that is documented in the Indian Registry. This process has no relation or parallel to blood quantum, as defined in the U.S. As a result, this requirement has caused confusion, humiliation, and undue delays, especially for multi-generational families crossing the border from Canada to the U.S. We ask that that U.S. lawmakers work with communities to change this requirement to something more appropriate or abolish it.

2. Development of a process to allow U.S. tribal members the ability to cross into Canada using their tribal status as documentation.

Although Canada's policy has been to deny the right of North American Indians to cross into Canada, our communities have always understood this as a commitment from Canada affirmed in the Jay Treaty and in other promises. Our peoples have never understood the creation of the international boundary as a violation of our rights, so long as we maintain the ability to pass freely. We feel that the Supreme Court of Canada decision to recognize the Confederated Tribes of the Colville Reservation's right to hunt in British Columbia means that the judiciary will eventually recognize the rights of U.S. tribes to cross into Canada. We ask that lawmakers act now by working with communities to develop solutions that are culturally appropriate rather than wait until a judicial ruling. Several U.S. tribes have already developed secure identification cards that meet CBP standards, and we feel that the logistics can be handled by communities. We require only the will of lawmakers to affirm our border crossing rights.

3. Dedicated funding for First Nations and Tribes to implement border initiatives to increase the safety and security of our communities.

Many of our communities are negatively impacted by illegal border activities, and we require more resources to support law enforcement with issues such as human trafficking, illicit



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drugs, and missing and murdered indigenous women and girls. Many of our communities operate our own policing services that have assisted border and external police agencies in criminal investigations. We ask that lawmakers recognize that our communities are disproportionately impacted by illegal border activities, and that we require dedicated funding to support law enforcement in a culturally sensitive and appropriate manner.

Signed on the Ambassador Bridge on the U.S.-Canada Border on the 28th day of June 2022.

Charles Sampson, Chief
Walpole Island First Nation

Mary Duckworth, Chief
Caldwell First Nation