

BLACKFEET NATION

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July 29, 2019

Hon. Jon Tester
U.S. Senate
311 Hart Senate Office Building
Washington, D.C. 20510
Katherine_McCleary@tester.senate.gov

Hon. Greg Gianforte
U.S. House of Representatives
1222 Longworth House Office Building
Washington, D.C. 20515
tripp.mckemey@mail.house.gov

Hon. Steve Daines
U.S. Senate
320 Hart Senate Office Building
Washington, D.C. 20510
meghan_thacker@daines.senate.gov
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Re: *Request for Senate Support of the Tribal Border Crossing Parity Act*

Dear Senator Tester, Senator Daines, and Representative Gianforte:

As a result of the United States – Canada border, American Indian nations and tribes located near the border are geographically, politically, and culturally divided. This reality includes the Blackfeet Nation, which has approximately 60 miles of common border with Canada.

The Jay Treaty of between the United States and Great Britain recognizes a right of American Indians and Canadian Indians to pass freely between the two countries. Article III of the Jay Treaty states, "[i]t is agreed, that . . . the Indians dwelling on either side of the [United States-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..."

Currently, however, members of Federally-recognized tribes in the United States and Canada are being denied entry into the United States if perceived to be of less than 50% Indian blood and cannot prove blood quantum at the border.

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."* Under the statute, American Indians residing in Canada who choose to exercise their Jay Treaty rights must not only provide proof of tribal enrollment but demonstrate that they possess 50% aboriginal blood when they wish to cross to work, live, or visit family living just across the border.

Federal law recognizes the right of Indian tribes to establish their own standards for citizenship and membership. It is therefore inconsistent with federal law and policy that 8 U.S.C. § 1359 relies upon blood quantum as a measure of tribal affiliation, rather than the political citizenship cards that are issued to all Canadian born indigenous people. We are concerned that the continuation of such a policy at the border could negatively impact the border crossing rights of Blackfeet tribal citizens.

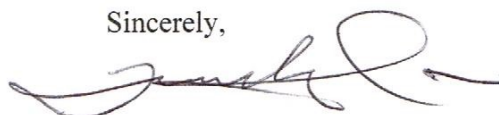
H.R. 2496 was filed on May 2nd in the U.S. Congress by Rep. Kilmer and 6 co-sponsors to amend 8 U.S.C. § 1359 as follows:

"Nothing in this subchapter shall be construed to affect the right of American Indians born in Canada or the United States to pass the borders of the United States, but such right shall extend only to persons who are members, or are eligible to be members, of a Federally recognized Indian tribe in the United States or Canada."

The Blackfeet Nation strongly supports H.R. 2496 and urges you to sponsor this legislation in the House of Representatives and the Senate and to vote for its enactment upon consideration in the Congress.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Davis', with a stylized flourish at the end.

Tim Davis
Chairman, Blackfeet Nation