

**PRAIRIE BAND POTAWATOMI NATION**  
**TRIBAL COUNCIL RESOLUTION No. 2023-287**

**Resolution to Join the Jay Treaty Border Alliance**

**WHEREAS:** The Prairie Band Potawatomi Nation (hereafter the "Nation") is a duly organized Tribal entity, with a Constitution and By-Laws approved by the Secretary of the Interior on February 19, 1976, and last amended on December 6, 2007; and

**WHEREAS:** Pursuant to Article V of the Prairie Band Potawatomi Constitution, the Tribal Council is the governing body of the Nation with enumerated powers of authority to *negotiate, consult, and contract with Federal, State, local and Tribal governments, private enterprises, individuals, or organizations*; and

**WHEREAS:** Pursuant to the Prairie Band Potawatomi Constitution, the Tribal Council is charged with the duty of protecting the health, security and general welfare of the Nation and its members and of regulating law and order on the reservation; and

**WHEREAS:** In 1794, the United States and Great Britain entered into the Treaty of Amity, Commerce, and Navigation (also known as the "Jay Treaty") to resolve outstanding issues between the two countries after the Revolutionary War; and

**WHEREAS:** Article III of the Jay Treaty recognized the right of Native Americans to travel freely across the border by land or water, stating that "the Indians dwelling on either side of the [U.S.-Canadian border], [are] free to pass and repass into the respective territories and countries of the two parties on the continent of America;" and

**WHEREAS:** The American Indian free passage right was initially codified in the Act of April 2, 1928, 8 U.S.C. § 226a (1928), which stated that American Indians born in Canada, and whose membership in Indian Tribes or families was not created through adoption, would be exempted from the restrictions imposed by the Immigration Act of 1924; and

**WHEREAS:** During the termination era in 1952, the United States recodified the American Indian free passage right, adding a new restriction that American Indians born in Canada must possess a minimum of 50% Indian blood quantum to qualify for exemption from the Immigration and Nationality Act (Section 289 of Immigration and Nationality Act, 8 U.S.C. § 1359); and

**WHEREAS:** 8 U.S.C. § 1359 is an outdated regulation inconsistent with federal Indian law and undermines the sovereign rights of Tribal Governments to determine their own membership requirements; and

**WHEREAS:** Canada does not recognize the Jay Treaty and does not acknowledge a "right of entry" for U.S.-born Indians, but recently enacted the United Nations Declaration the Rights of Indigenous Peoples Act (UNDRIP Act) (SC 2021, c. 14, June 21, 2021); and

**WHEREAS:** Article 36 of the UNDRIP Act provides that-

- Indigenous peoples, in particular those divided by international borders, have the right 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 people across borders; and
- States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right; and

**WHEREAS:** Article 20 of the UNDRIP Act provides that indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities; and

**WHEREAS:** The Jay Treaty Border Alliance (JTBA) is a coalition of sovereign Tribal Governments established in 2015 to uphold the inherent rights recognized by the Jay Treaty and UNDRIP Act; and

**WHEREAS:** The JTBA engages with U.S. and Canadian border agencies and governments to build and maintain effective working relationships, enhance cultural awareness of border agents, address concerns of Tribal communities, and advance legislation to improve border crossing and security issues; and

**WHEREAS:** The JTBA's Articles of Association and By-Laws permit Tribal Governments to join the JTBA Executive Committee for an annual membership fee of \$5,000.00 USD; and

**WHEREAS:** Executive Committee Members may participate in high-level discussions with U.S. and Canadian federal government officials, consider and adopt resolutions to be signed by the JTBA Co-Chairs, vote on matters presented before them, and advise the JTBA Co-Chairs; and

**WHEREAS:** The Prairie Band Potawatomi Nation strongly supports the JTBA's efforts and seeks to join the JTBA's Executive Committee to advocate for our inherent rights and to promote the culture, general welfare, economic activities, and social advancement of the Prairie Band Potawatomi Nation People.

**NOW, THEREFORE BE IT RESOLVED** that the Prairie Band Potawatomi Nation Tribal Council does hereby approve and pledge \$5,000.00 USD to join the JTBA Executive Committee and hereby supports the JTBA's efforts to advocate for the inherent rights of Tribal Nations.

**CERTIFICATION**

This resolution was duly adopted on the 12th day of October, 2023 at a Meeting of the Prairie Band Potawatomi Tribal Council, during which (7) members were present, constituting a quorum, by a vote of (6) for, (0) opposed, (0) abstaining, (0) absent from voting and the Chair not voting.

ATTEST:

Lorrie Melchior  
Lorrie Melchior, Secretary

Joseph P. Rupnick  
Joseph P. Rupnick, Chairman

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Deanna M. Brewer  
Notary Public

