

We're a border tribe and we're so used to crossing freely...members are scared to be separated from families on the other side.

Brenda Commander

Maliseet

Chief, Houlton Band of Maliseet Indians

The Border

Native people in North America were living here long before the borders between Canada, the United States, and Mexico were established. When the national boundaries between the United States and its neighbors were formalized, they typically disregarded and divided long-established Native territories. Communities and even families were arbitrarily separated, and in some cases even reservation lands were split apart.

Nationally:

American Indian nations signed treaties and formed agreements with the various governments that were dividing their territory, fighting for the right to travel freely in their traditional territory. Despite being divided and falling under the control of differing governing authorities, border tribes maintained family ties and cultural links on either side of the border for many generations.

Maine:

The Jay Treaty of 1794 between the United States and England recognized Wabanaki people's right to travel across the border unfettered and unmolested, including the transportation of "their own proper goods and effects of whatever nature." Moving across the border freely has become an increasingly difficult process for Native people, and since September 11, 2001, border crossings have fallen under even tighter scrutiny. Native people have been harassed at the border; tribal ID cards, which are legal forms of identification, have been rejected; and regalia, ceremonial items, food and materials of cultural significance have been confiscated. Harassment at the border makes crossing more difficult and time-consuming, dividing families and communities, and causing a shift in seasonal work and life patterns that have existed for centuries.

Border Newspaper Headlines:

Passamaquoddy drawn into fishing rights battle: Tribal members cross border to express solidarity

By Diana Graettinger

Bangor Daily News

September 25, 2000

Tribal members said they were angered by the racial profiling they believe tribal members have been subjected to by Canadian Customs officers. Tribal officials said that under the 1794 Jay Treaty, the Passamaquoddy, Mi'kmaq and Maliseets are free to cross into Canada and back unencumbered by federal customs laws.

Maliseet and Mi'kmaq meet officials at Houlton, Maine to discuss Jay Treaty

By Cheryl Knockwood

Mi'kmaq Maliseet Nations News

July 2005, vol. 16, No. 7

Officer Glenn McNelly offered the following helpful information for those of us who want to enter the US as a North American Indian. 'North American Indians are allowed to cross the border freely. Once a US Customs Officer is satisfied you qualify as a North American Indian you cannot be denied entry or deported from the USA. To enter as a North American Indian, claimant must prove they have at least 50 percent blood quantum.'

Ordeal at the border: Micmac blueberry rakers complain about aggressive stops by U.S. Customs

By Sharon Kiley Mack

Bangor Daily News

August 15, 2009

Hundreds of blueberry rakers traveling from Canada into Maine at the Calais border crossing during the past week were stopped, searched and questioned by U.S. Customs officials, something many said hasn't happened to them in more than forty years.

Flour for their traditional fry bread was confiscated and at least two vehicles were damaged. Anne Levi of New Brunswick said when families attempted to speak to each other in Micmac they were told to stop talking and were separated by authorities.

Ted Woo, public affairs officer for U.S. Customs and Border Protection in Boston, confirmed that there was a temporary enforcement action in effect. He denied that it was aimed at First Nations members, but did say the action specifically targeted blueberry rakers coming into the U.S.

Eagle feathers and sacred items can cross border

Wolastoqewiyik Traditional Council of Tobic Newsletter

November 2009

For decades Native people have been harassed and even roughed up at times by Customs officials from both sides of the border for carrying sacred eagle items through the border. It is no longer illegal to transport eagle feathers to or from either country as of February 2003.

Border Wabanaki Quotes:

The Jay Treaty isn't recognized in Canada because it was signed before Canada was a country. Border patrol agents are narrowing the focus of what goods can cross the border to things that would have crossed in 1760, so we can't bring wood from trees grown on tribal lands in Canada into the United States to come to our reservation without taxation.

Richard Dyer

Micmac

Housing Director, Aroostook Band of Micmacs

I never had any problems bringing baskets or basket materials across the border, but they did try and put a duty on the baskets. According to the Jay Treaty we shouldn't have to pay that duty. They ended up dropping it.

Richard Silliboy

Micmac

Families are more reluctant to cross the border than they used to be because they feel they are profiled. Spiritual people have supplies with them, which may look like contraband and officials rifle through them and this is hard to watch - it's a sacrilege.

Richard Dyer

Micmac

Housing Director, Aroostook Band of Micmacs

The international border does have an impact on our tribal community, half of our aboriginal lands are located in Canada, sites where our old village communities were located, sites that have a spiritual meaning.

Donald Soctomah

Passamaquoddy

Historic Preservation Officer, Tribal Representative to the State Legislature

The border does affect us, not as much as the other tribes in Maine, but it all boils down to Native rights and our ability to move freely in the territory we originally inhabited. We recognize that since September 11, 2001, things have changed and there are legitimate security concerns, so we're developing our own passports and government documents.

Kirk Francis

Penobscot

Chief, Penobscot Indian Nation

Blueberry rakers have been getting a lot of harassment at the border because their IDs weren't the enhanced cards. Canada Natives have to prove they're 50 percent, so this is added to other requirements to cross and makes it harder. They say the tribal government gets to decide who's on the tribal rolls, but now the federal government adds these requirements. It shouldn't matter how much native blood a person has, it's not about that, it's about how you're raised that makes you Native.

Victoria Higgins

Micmac

Chief, Aroostook Band of Micmacs

This year the Native blueberry rakers from Canada were harassed when they crossed the border to work in the Passamaquoddy fields, so next year they might not come back and we'll have a labor shortage.

Donald Soctomah

Passamaquoddy

Historic Preservation Officer, Tribal Representative to the State Legislature

Guards at the border are not trained or not aware of issues that are specific to Natives.
They barely know the laws they work under!

Clair Sabattis
Maliseet

The Houlton Band of Maliseet Indians is developing a strong relationship with the Houlton sector of Homeland Security. This is actually one agency that truly respects the tribe's sovereignty- they ask permission before coming onto tribal lands, and they're so respectful and have a real hunger to know what we need from them.

Sue Young
Natural Resources Director, Houlton Band of Maliseet Indians

In recent years it has been challenging to cross the border. Before September 11, 2001 the tribe was trying to redevelop trade between Passamaquoddy and other Native communities on either side of the border, but many things get confiscated at the border.

Richard Phillips-Doyle
Passamaquoddy
Sakom/Chief, Passamaquoddy Tribe

My brothers all had green cards, but they didn't have a formal education and they didn't know their rights. If they got harassed at the border, or were told they couldn't cross, they would just go into the woods and walk across.

Richard Silliboy
Micmac