



Native Nations and U.S. Borders

Challenges to Indigenous Culture,
Citizenship, and Security

Rachel Rose Starks ▪ Jen McCormack ▪ Stephen Cornell

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Native Nations Institute for Leadership, Management, and Policy
at the
Udall Center for Studies in Public Policy, The University of Arizona

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About the Authors



photos by Chrysanthia Gakopoulos

Rachel Rose Starks

Rachel Rose Starks is research coordinator and senior researcher with the Native Nations Institute at the University of Arizona. Raised in the Pueblo of Zuni, N.M., she learned at an early age the importance of a strong education within a capable instructional system. She has a B.A. in sociology from Wheaton College, Illinois, and an M.A. in sociology from the UA.

Jen McCormack is a research analyst at the Native Nations Institute at the University of Arizona. She earned a B.A. in geography and photography from the UA, an M.A. in Middle Eastern studies from the University of Texas at Austin, and is a Ph.D. candidate in the School of Geography and Development and in the American Indian Studies Program at the UA.



Jen McCormack

Stephen Cornell is director of the Udall Center for Studies in Public Policy at the University of Arizona, where he also is a professor of sociology and a faculty associate with the Native Nations Institute. He has spent much of the last 25 years working with Indigenous nations and organizations—mostly in the United States but also in Canada, Australia, and New Zealand—on governance, economic development, and tribal policy issues. He also is co-founder and co-director of the Harvard Project on American Indian Economic Development.

About the Native Nations Institute

The Native Nations Institute for Leadership, Management, and Policy, housed at the University of Arizona's Udall Center for Studies in Public Policy, serves as a self-determination, governance, and development resource for Indigenous nations in the United States, Canada, and elsewhere. NNI was founded in 2001 by the Morris K. Udall Foundation (now Morris K. Udall and Stewart L. Udall Foundation) and the UA.

Contact the Authors

Native Nations Institute for Leadership, Management, and Policy
The University of Arizona
803 E. First St., Tucson, AZ 85719
(520) 626-0664
nni.arizona.edu



Stephen Cornell

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Jen McCormack

ALONG THE YUKON RIVER, A TRANSBOUNDARY WATERWAY

In a border region, the links across the boundary are often as important as the boundary itself.

Introduction

Native Nations and U.S. Borders

International borders are complex places.

In emphatic fashion, they often mark separations: political, legal, cultural, and social, sometimes economic. But borders also are sites of convergence, places where nations, peoples, environments, languages, legal codes, militaries, and so on meet and connect. And often, overshadowed by separation and convergence, there are continuities as well: ecosystems, relationships, and human communities struggling to sustain themselves despite the complications that borders impose upon them.

"We feel we are one family. We have no borders."

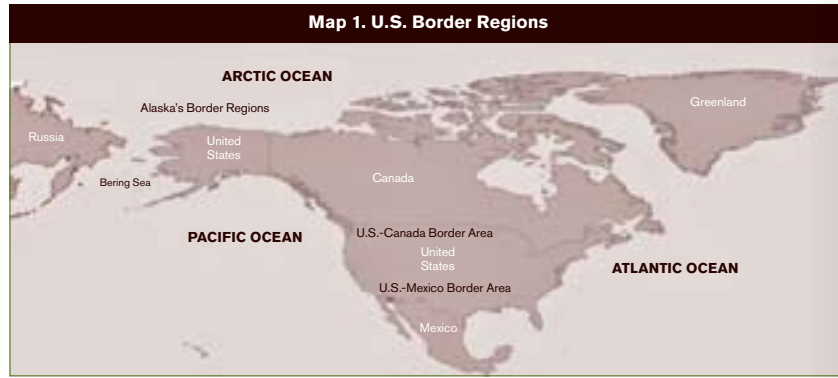
- Fidelia Suarez,
Pascua Yaqui Tribe¹

What borders often fail to be, ironically, is definitive. They mean different things to different people. Much of the population of the United States, for example, may see U.S. borders as critical dividing lines that mark the boundary between "here" and "there," that signify compelling differences between what is familiar and essentially "ours" and another territory that is, in every sense, foreign.

But people who have lived for a long time in a border area may be more likely to focus on critical continuities that the border only partly upsets or obscures. The world that matters most to them is often a local or regional world, where "local" and "regional" embrace both sides of the border. In a border region, the links across the boundary are often as important as the boundary itself.

This is especially the case for Indigenous peoples living near U.S. borders. For them, the two sides of an international boundary may compose a single contiguous space: a homeland, or a network of relationships reaching far back to a distant past, or a set of natural and cultural resources that are used in common and need to be protected and sustained, or perhaps the piece of earth out of which they—the people themselves—originally came.

Such contrasting perceptions are likely to be found wherever Native nations' ancestral and present geographies collide with the contemporary boundaries that separate the United States from Canada, Mexico, and Russia (see Map 1, p. 2). In these regions, Indigenous ideas and practices—many of them multiple centuries old—meet U.S. border policies head-on, raising challenges both for the governments of the countries involved and for Native nations themselves.



Maps by Larry Cassen with Jahan Karjiva

Since September 11, 2001, and with growing political polarization on U.S. immigration issues, these challenges have become more difficult to address. Security is increasingly the focus of U.S. border policy. But policy discussions of security and immigration seldom include Native voices and seldom take Native views into account. And they rarely address how policies designed to protect international borders drastically affect Native nations that live near those borders or are divided by them.

Native Nations and U.S. Borders provides an overview of the historical and contemporary effects of international borders on the Indigenous nations of the United States. We review some of the ways those nations have responded to border-related challenges and discuss policy issues raised by the intersection of U.S. borders and Indigenous peoples.²

This book seeks to inform discussions of border policy at all levels of government—tribal, local, state, and federal—and is intended to be a resource to Indigenous leaders; federal, state, and municipal policy-makers and authorities; researchers; and nongovernmental organizations whose jurisdictions or work involve border regions.

Organization of the Book

The book is divided into the following chapters:

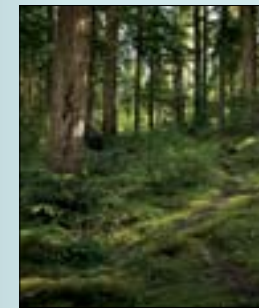
Border Nations: On the Margins, In the Middle describes the scope of the book and introduces the terminology we use. It also outlines five policy areas with which most border nations are particularly concerned: (1) citizenship, (2) crossing rights and border security, (3) cultural concerns, (4) environment and natural resources, and (5) public health and safety. While not all these concerns are addressed in each chapter, they organize much of the material in the book.

U.S. Borders and Indigenous Peoples: A History reviews the history of U.S. borders, summarizes some of the laws and treaties that have shaped the Indigenous border experience, discusses border developments since September 11, 2001, and touches briefly on the treatment of borders in the international discussion of Indigenous rights.

U.S. Border Regions



South: U.S. - Mexico border region



North: U.S. - Canada border region



Far North: Alaska's border regions

Gary M. Stolz (courtesy USFWS)

Zargen Design at iStock

U.S. Fish and Wildlife Service

South: The U.S.-Mexico Border Region is the first of three chapters that examine specific regional issues and the approaches Native peoples have taken to border challenges. We focus particularly on the environment, immigration and security concerns, and on how Indigenous peoples work within an increasingly militarized border zone.

North: The U.S.-Canada Border Region uses a format similar to that of the previous chapter to discuss policy concerns along the U.S.-Canada border and, in particular, the responses to border-crossing issues and the legal and cultural meanings of citizenship.

Far North: Alaska's Border Regions discusses issues facing Native peoples along Alaska's borders with Canada and Russia and in the circumpolar region. These peoples are trying to address not only border crossing and cultural concerns but also the impacts of global climate change, and are reaching across borders in the process.

Conclusion: A Seat at the Table considers current policy issues, possible steps for governments—including the governments of Native nations—to take, and potential forums for discussion and implementation.

The **Bibliography** offers many more sources of border-related material.

An **Appendix** provides a list of American Indian nations located on or near U.S. borders.

Notes

¹ Suarez is from the village of Bacum, Mexico, and represents the Traditional Council of Indigenous Nations in the northwest state of Sonora (Norell, "From the Village").

² North America is not the only place where contemporary international boundaries cut through Indigenous lands and communities. While policy and legal regimes vary from place to place, many of the border issues found in North America and discussed in this book arise elsewhere as well.



PEDESTRIAN WALL ALONG THE ARIZONA-SONORA BORDER

For the most part ... Native nations have been excluded from border policy processes – from nineteenth-century border-making to twenty-first-century border fencing.

Border Nations: On the Margins, In the Middle

1

Introduction

Like other American Indian nations, those Native nations situated on or near U.S. borders are not only on the margins of U.S. society—with high poverty rates, low employment, poor health, substandard housing, and other socioeconomic indicators place them there³—but are often on the margins of policy-making as well.

Yet these nations find themselves right in the middle of border-related processes: marginally involved in decisions, centrally involved in effects. In a concrete sense, they are on the margins and in the middle. But they remain nearly invisible in both, and their voices on border issues are seldom heard beyond their own communities.

These Native nations and the issues that they face are the focus of this book. In this chapter, we identify and locate what we refer to as “border nations.” We then consider the particular issues of common concern to them.

Scope and Definitions

We consider here those Native nations whose lands and peoples are directly affected by the current international boundaries between the United States and Canada, Mexico, and Russia. We use the terms *American Indian*, *Native American*, and *Indigenous* more or less interchangeably throughout the book to identify or describe Indigenous persons or peoples from the North American continent.

WHAT IS A “BORDER NATION”?

We define an Indigenous border nation as one whose lands or people straddle an international U.S. boundary or are located adjacent to or near such a boundary, or for whom U.S. border policy and activities raise significant challenges.

Admittedly, this conception is imprecise. What does “near” mean? How close to the border? How significant a challenge is required? There are no obvious answers to these questions, and we are aware that what happens along U.S. borders can have powerful effects on distant communities—and vice-versa. In lieu of precision, we have asked ourselves a more general question: does the U.S. international border matter, on a regular basis and in a readily apparent way, in the lives of these nations’ citizens?

“It is somebody’s border, but not ours.”

– Kenneth Hansen,
Samish Indian Nation¹

“Shortly after I stepped off the plane in Russia, a native man came up to me and said in Yup’ik, ‘I’m from the Kivak clan. Which clan are you from?’ I was speechless. Here was a man from a different country, speaking my native language, telling me he was from the same clan I was!”

– Darele Orr, Yup’ik²

This means that our list of border nations (see Appendix) includes not only those nations whose lands approach or straddle an international boundary but also those that have cultural links or shared histories across those borders or whose sense of peoplehood embraces communities on both sides.

Examples include the Confederated Tribes of Colville, Washington, and the Okanagan communities in British Columbia, Canada. Some of these communities are quite far from the U.S.-Canada border, but they share a great deal, including a Salish language “spoken in present-day British Columbia and Washington, in an area that extends north-south along the Okanagan Valley from what is now Enderby, B.C., through Vernon, Kelowna, Penticton, Oliver, Osoyoos; Oroville, Omak, and Okanogan, Wash.; also north-south along the Sanpoil and Kettle River valleys; and in the area west of the Columbia River as far west as Grand Coulee Dam.”⁴

Not all the citizens of these nations see themselves as one people, but many of them do. Our definition of a border nation thus includes location and other kinds of connections: culture, language, law, and history.⁵

LOCATIONS OF BORDER NATIONS

In the United States, more than 40 Indigenous nations have reserved or traditional lands that span contemporary international borders with Mexico and Canada, while the Inupiat, Yupik, Aleut, and others occupy territory spreading from eastern Russia through Alaska and into Canada. Of the 40 or so Indigenous nations whose people now live on both sides of an international U.S. border, twelve have reservations that either touch or are within a mile of the Canadian or Mexican border. Many more have relationships—including kinship ties—that straddle these borders.

Maps in subsequent chapters identify and locate the border nations whose situations are the subject of this book. Even here, however, Indigenous

conceptions of their lands receive only partial recognition. These maps show Indigenous lands according to current boundaries generally recognized by the United States and other countries. But these boundaries fail to include traditional territories over which some Native nations—particularly in Canada—still assert certain rights.⁶

Policy Issues

Political boundaries, regardless of the proximity of Indigenous peoples, political boundaries present policy challenges of their own. They automatically create at least two jurisdictions, complicating regional policy-making. They often disregard the contours of natural systems, such as watersheds, raising a host of environmental and resource management challenges. They also create political separations between those areas where problems are most acutely felt—where toxics accumulate, for example—and those areas where solutions might be most efficiently implemented—where those same toxics, for example, are produced.⁷

This last effect has been especially acute for Indigenous peoples, already marginalized in U.S. policy-making. International borders and the policies that govern them have altered drastically numerous aspects of life for Native nations in border regions, from how they perceive citizenship in their own nations to matters of security, culture, collective identity, language, public health, the natural environment, and the management of resources such as water, lands, and wildlife. For the most part, however, Native nations have been excluded from border policy processes—from nineteenth-century border-making to twenty-first-century border fencing.

But those nations have not been simply passive recipients of border effects. In various ways and to varying degrees, they have responded to these effects, trying to overcome the impacts that imposed boundaries have imposed on them, rebuilding kinship, cultural, and economic links across

Native Nations and Great Lakes Ecosystem Management



Decisions about the waters, fish, and environment of the Great Lakes (pictured above) are inherently multi-jurisdictional. Yet Native nations typically are left out of these decision processes. The **United Indian Nations of the Great Lakes**, an association of Indigenous nations in two Canadian provinces and eight U.S. states, is trying to address this neglect.



According to **Frank Ettawageshik** (above), chair of the 2005 meeting of the United Indian Nations and also, at the time, chairman of the Little Traverse Bay Bands of Odawa Indians, “Tribes on both sides of the border are united in developing our own parallel process and ensuring our participation in decision-making involving the management of the Great Lakes.”⁸

Note

⁸ Environment News Service, “Indian Nations Unite.”

borders and forming cross-border coalitions—tribal, inter-tribal, and international—to address border concerns.

One such group, for example, is the United Indian Nations of the Great Lakes, an association of Indigenous nations in two Canadian provinces and eight U.S. states (see sidebar at left). All the nations in the organization are located in or directly affected by the Great Lakes basin, which straddles the U.S.-Canada border.

The message in many such responses is that international borders may have political and legal force, but border nations will continue to see themselves, and attempt to act, as single or allied peoples, sustaining their own conceptions of who they are and exercising rights to manage their own affairs, including those affairs whose scope extends across these boundaries.

Indigenous efforts to address border concerns tend to revolve around recurring issues, some of which are more prominent in one region than another. While the issues are often interconnected, we’ve grouped them into five categories: citizenship, crossing rights and border security, cultural concerns, environment and natural resources, and public health and safety.

CITIZENSHIP

When the United States, in interaction with European powers and later Canada, Mexico, and Russia, established contemporary U.S. boundaries, it seldom took Indigenous nations into account. As a consequence, citizenship has become a prominent and sometimes contentious issue for many Indigenous peoples in the borderlands, particularly where borders cut through their communities and land bases, turning some community members into citizens of one country, some into citizens of another.

The most extreme case is perhaps the northernmost one, where, as Eben Hopson of the Inuit Circumpolar Conference said, “[W]e Inupiat live under four of the five flags of the Arctic coast.”⁸ But this is not only a problem in the far north; no U.S. border has taken the geographies of Indigenous communities into account. In combination with immigration laws and border security practices, the effect has been to undermine and complicate the ways in which community is defined. The result is a citizenship conundrum.

Citizenship and sovereignty

American Indian nations have the right to determine citizenship within their own nations,⁹ a right that finds support also in international understandings of human rights.¹⁰ But while American Indian nations can determine who their own citizens are, their decisions have no necessary implications for American citizenship, which is determined by the U.S. government.

This leads to situations in which some Native nations view relatives living outside the United States as fellow citizens of their own nations, entitled to participate in governance processes and to receive services that their nations provide. But the United States refuses to recognize those same persons as U.S. citizens and prevents them from moving freely within what a Native nation may consider its own lands.¹¹ Indigenous decisions about citizenship, in other words, have minimal force beyond the U.S. border, despite the fact that the border runs through social and political structures that pre-existed the United States and its adjacent international neighbors, Mexico, Canada, and Russia.

This raises a host of questions. Must Indigenous persons maintain only one form of citizenship? Does Mexican citizenship, for example, preclude citizenship in the Cocopah Tribe, located in southwestern Arizona? Does Cocopah citizenship preclude Mexican citizenship? Who decides? How does a person establish or prove citizenship? And how does an Indigenous nation deal with individuals whom it views as citizens but who may lack citizenship in the larger country of which that nation is a part?

Documentation of citizenship

Documentation challenges further complicate the situation. Indigenous persons with proof of U.S. citizenship or immigrant visas can travel across U.S. borders relatively unimpeded. Unfortunately, proving citizenship is often difficult for those without birth certificates—a common situation in some Indigenous communities, particularly isolated ones where births may happen at home. As a re-



Matthew B. Blazewicz

In an expression of sovereignty, the Haudenosaunee, also known as the Iroquois Confederacy (comprising the Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora nations) have produced their own passports for use in international travel.

sult, obtaining visas is becoming increasingly difficult for Indigenous citizens in Canada and Mexico. Furthermore, some Indigenous people wonder why they would need proof of American citizenship to move freely within traditional homelands where their people long preceded the establishment of the United States.

Some Indigenous nations, determined to act as sovereign peoples, have produced their own passports for use in international travel. The Haudenosaunee, also known as the Iroquois Confederacy (comprising the Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora nations) have their own national passport.¹² The Iroquois National Lacrosse Team has traveled internationally on these documents that read: “You may lose your *Haudenosaunee* nationality by being naturalized in, or taking an oath or making a declaration of allegiance to, a foreign state.”¹³

The Western Shoshone Nation has a passport that Joe Kennedy, one of the Nation’s councilors, used in his travels from North America to Guatemala for the Third Continental Summit of Indigenous Nations and Pueblos of Abya Yala in March 2007. Kennedy remarked, “I feel good and I feel honored

spotlight



Ktunaxa dancer

courtesy Ktunaxa Nation



U.S. inspection station at the border between Tecate, California and Baja California, the official Kumeeyaay port of entry

Edward Galtich (courtesy Library of Congress)

Notes

- ^a Ktunaxa Nation, “Who Are We.”
- ^b Ktunaxa Nation Council, “Memorandum.”
- ^c Guassac, “Presentation.”

CROSSING THE U.S.-CANADA BORDER Ktunaxa Nation

In addition to passports, there are other options for Indigenous people traveling across borders. For example, the Ktunaxa people include communities in British Columbia, on the Canadian side of the border, and in Idaho and Washington, on the U.S. side.^b

The Ktunaxa Nation Council (KNC) in British Columbia has developed memoranda of understanding (MOUs) with state governments to ease crossings for Ktunaxa citizens during ceremonies and special events, with specific attention paid to broader interpretations of citizenship and the handling of sacred objects.^c

Among other provisions, border agents have agreed to participate in cultural training and minimize examination of Ktunaxa citizens, while the KNC notifies border agents of increased traffic connected to special events across the border.

The MOUs provide a practical arrangement between the Ktunaxa people and border officials. Unlike the passport option, an MOU is an “episodic” document but is also an exercise in everyday sovereignty. By preemptively negotiating with border agencies, the Ktunaxa Nation provides protection for its citizens and is represented as an independent entity to both U.S. and Canadian governments.

CROSSING THE U.S.-MEXICO BORDER Kumeeyaay Tribes

The Kumeeyaay people, made up of several groups in present-day California and Baja California, have created their own border crossing procedures, including documenting all Kumeeyaay citizens north and south of the border in a Kumeeyaay census. This census is available to agencies that regulate passage across the border.

Additionally, the nation has selected Tecate, a historically significant gathering place for its people and a current border crossing point, as its official Kumeeyaay port of entry. Interested primarily in relatively brief gatherings, visits, and cultural activities, the Kumeeyaay have adopted a “Pass-Repas” program that provides border-crossing cards valid for 72 hours and for travel up to 25 miles north of the border.^d

Through practical experience and the educational efforts of the Kumeeyaay tribes, border agents become familiar with these procedures and with tribal citizens. For the Kumeeyaay, these procedures, while not ideal, address at least some of the difficulties of maintaining their own community, split as it is between two countries.