



- The Magazine
  - Current Issue
  - Browse Issues
  - Subscribe
- Topics
  - Water
  - Energy
  - Politics & Policy
  - Growth & Planning
  - Flora & Fauna
  - Culture & Communities
  - Climate & Pollution
  - Mining & Agriculture
  - Recreation
- Departments
  - Feature stories
  - Two weeks in the West
  - News
  - Uncommon Westerners
  - Book Reviews
  - Essays
  - For Subscribers
- Blogs & Opinion
  - The GOAT
  - Ray Ring's West
  - Heard Around the West
  - Writers on the Range
- Classifieds
  - Employment (18)
  - Property for Sale (17)
  - Home and Garden (7)
  - Tours and Travel (9)
  - Professional Services (3)
  - General Interest (8)
  - View All (62)
  - Advertising Information
- Conferences
  - Browse Conferences
  - Submit a Conference
- Internships
  - Browse Internships
  - Submit an Internship



## Security vs. sovereignty

Border requirements trample on the rights of Indian nations.

News - From the March 02, 2009 issue of High Country News by Krista J. Kapralos



[Browse images »](#)

Two hours north of his home on the Tulalip Indian Reservation in Washington state, Les Parks was stopped at the U.S.-Canada border. A U.S. border guard eyed the bouquet of eagle feathers hanging from the truck's rearview mirror, and Parks knew what was coming.

"What are those? Why do you have them? What were you doing in Canada, and why do you want to return to the U.S.?"

The questions came like bullets, Parks says, and grew harsher still when he gave them his Tulalip tribal identification card instead of his driver's license or U.S. passport.

"We're always up there visiting and trading back and forth," says Parks, who often delivers crab and other shellfish to his relatives in Canada in exchange for salmon from the Fraser River. "Our tribal ID should suffice, but it's been getting progressively worse. I've struggled through hours of paperwork and questioning."

Cultural and ancestral ties are strong between many U.S. and Canadian tribes. "Our spiritual practices are closely tied to our relatives across the border," says Jewell James of the Lummi Nation, just south of the U.S.-Canada line in Washington. "We've always hoped the U.S. and Canada would continue to recognize that we have the inherent right to cross the border and be with our relatives."

Statistics are hard to come by, but the National Congress of American Indians, a Washington, D.C.-based advocacy organization, says it receives frequent complaints of problems at the border.

And beginning June 1, crossing the border could become even more difficult. Travelers trying to return to the U.S. from Canada or Mexico will be required to present either a passport or a driver's license enhanced with an identification chip.

That's likely to be a problem for Indians in the Pacific Northwest who prefer to use their tribal ID cards. Like Parks, many Indians see their tribal documents as a sign of their status as members of sovereign Indian nations. The new requirement, part of the Western Hemisphere Travel Initiative, will affect Indians throughout the country, but it's likely to hit particularly hard up here, because of the close ties between Northwestern tribes and tribes in British Columbia.

The Jay Treaty, signed in 1794, guaranteed unrestricted passage for Indians crossing the Northern border of the newly created United States. Nearly 100 years later, Northwestern tribes signed treaties with the federal government that exchanged land for medical care, education and the right to continue living in their traditional manner. The U.S. border was extended to the continent's Western edge in 1846, and by the mid-1900s, everyone crossing it was required to show identification. For Indians, that meant using cards issued by their tribes.

That changed after Sept. 11, 2001. Indians have been detained at the border for everything from wearing traditional regalia to using a tribal ID, says John Stensgar, a Homeland Security delegate for the Colville Confederated Tribes. Indians heading north to attend ceremonies have been forced to divulge information about traditions that have no bearing on border security. Even Amnesty International has reported on the harassment Indians face at the checkpoints.

"The government's always trying to take our rights away from us," Stensgar says. "We've never given up the right to establish laws in the best interest of our membership." Stensgar says the federal government is constantly seeking more oversight of tribal governments. Casinos are closely supervised, for example, and tribes are limited in how they can use their land. Many non-gaming economic plans must be approved by the Bureau of Indian Affairs.

Stensgar says his tribe may develop passports of its own to replace the federally sanctioned tribal ID. Several tribes, including the Onondaga in New York, have tried this, but with limited success. Still, Stensgar hopes a Colville passport will one day be honored alongside U.S. passports.

Tribal leaders and Homeland Security officials have also considered using an "enhanced tribal ID" with a security chip for Indians in lieu of a passport. Under the Tulalip plan, any ID presented at the border would be connected to the tribal database maintained at Tulalip. But the federal government won't have direct access to this data -- a detail tribal leaders say is key to retaining sovereignty.

Theresa Sheldon, a Tulalip Indian who often travels on tribal business, says she tries to educate security officials about sovereignty by using her tribal ID.

"People say, 'Isn't this an old issue? Just get a passport!' " Sheldon says. "But these are our rights. We don't want them taken away."

*Krista J. Kapralos is a journalist based in the Pacific Northwest, where she writes about American Indian tribes and religion.*

Add Comment

**WATERSHED**  
Research & Education Program



**NAU Watershed Research and Education Program 2009 Policy Workshop**  
Watershed Management and Policy Development — Learning from Australia

**July 27th - 30th • Flagstaff, AZ**

Please visit our web site for details & registrations  
[www.watershed.nau.edu](http://www.watershed.nau.edu)