



## UNITED SOUTH AND EASTERN TRIBES, INC.

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Resolution No. USET 97:33

### **VIOLATION OF THE ARTICLES OF THE JAY TREATY BY THE UNITED STATES GOVERNMENT**

**WHEREAS,** the United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-three (23) federally recognized tribes; and,

**WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors is comprised of delegates from the member tribes leadership; and,

**WHEREAS,** the USET Board of Directors are dedicated and committed to the needs of its tribes and members to the goal of preserving the sovereignty, inherent rights, integrity, and stability of our Indian children and families; and,

**WHEREAS,** on August 22, 1996, President William J. Clinton signed into law the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* and the subsequent implementation of the law in the State of New York with the legal alien status now being assigned to children born in Canada is a direct violation of the Jay Treaty of 1794; and,

**WHEREAS,** the Jay Treaty explicitly pertains to American Indians of either side of the border between the United States and Canada who may import by either party all goods and merchandise respectively nor shall they pay for the same any import or duty whatever; and

**WHEREAS,** according to Article IX that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective states and title therein; and may grant, sell or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens; and

**WHEREAS,** according to Article XXVIII it is agreed that the first ten articles of this treaty shall be permanent...but if it should unfortunately happen that his majesty and the United States should not be able to agree on such new arrangements, in that case all the articles of this treaty, except the first ten, shall then cease and expire together; and

**WHEREAS,** immigration legislation enacted in the 1920's permitting unrestricted entry (of the persons) into the United States into "North American Indians" such person being defined as one having 50 percent, or more, North American Indian blood. On satisfying a United States Immigration Officer that he is such a person, a Canadian Indian would thus be exempted from United States passport and visa requirement; and

**WHEREAS,** according to Article III that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indian dwelling on either side of the said boundary line, freely pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America [the Country within the limits of the Hudson's Bay Company only excepted] and to navigate, and freely to carry on trade and commerce with each other. No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians



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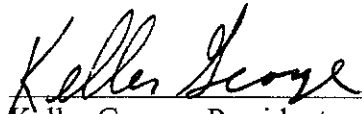
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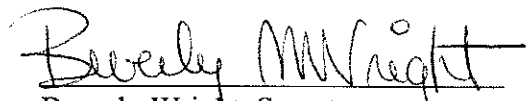
passing or repassing with their own proper goods and effects or whatever nature, pay for one same any impost or duty whatever...As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein; therefore, be it

**RESOLVED**, that the USET Board of Directors agree that the Articles of the Jay Treaty be upheld by the United States Social Security Administration and the United States Office of Immigration to halt the desecration of Treaty rights of North American Indians.

### CERTIFICATION

This resolution was duly approved at the USET Washington Impact Week meeting, at which a quorum was present, in Washington, DC on Wednesday, February 5, 1997.

  
Keller George, President  
United South and Eastern Tribes, Inc.

  
Beverly Wright, Secretary  
United South and Eastern Tribes, Inc.