CITIZENS EQUAL RIGHTS ALLIANCE, Inc.
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CERA NEWS

MANY CULTURES • ONE PEOPLE • ONE LAW

Will Indians Ever Escape Racism?

By Lana Marcussen and Darrel Smith

Isn't the government of the United States, as the defender of civil rights for all, one of the biggest opponents of racism? Well, generally yes, but it has an historical blind spot – a racist policy intentionally left out of the civil rights revolution. That "blind spot" is federal Indian policy. Just as the title "federal Indian policy" suggests, the United States' Constitution originally recognized Indian tribes as being separate from the people of the United States in the Indian Commerce Clause. Federal Indian policy was developed by the United States to prevent skirmishes and open warfare with Indians banded together as tribes. Only by ending their tribal affiliation could an individual Indian join the rest of society. The federal common law policy that developed from before the Revolutionary War, assumed that Indian people like other people in this country would eventually join the sovereign people of the United States as individuals with all the rights protected by the Constitution. As tribal members left the tribe and were accepted into mainstream society, they were accorded the same rights as all individual citizens (see for example, *Elk v. Wilkins,* (1884)). If applying this policy to Indians was racist, then our whole constitutional system is racist because it encourages the racial integration of all people whether Indian, Irish, African, Asian or Latino into one political body of American people. We are Americans because we share an overriding common belief in the sovereignty of the people and equal constitutional protections for all. This does not mean we all agree as to how best to approach a specific decision, but we agree that the choice made by the majority of the people within a constitutional framework is the best way to begin.

> ***We are Americans because we share an overriding common belief in the sovereignty of the people and equal constitutional protections for all.***

Racism is defined as "discrimination or prejudice based on race." The word "Indian" is a racial classification referring to the indigenous people of America. Even today, Indians living in areas designated as 'Indian country" by the United States and within a tribes' "sovereignty" are deprived of constitutional and civil rights. The federal government attempts to defend itself from charges of racism by maintaining that tribes are political, not racial entities. In reality, it is obvious that tribes are political entities whose membership is based entirely on race and ancestry. According to the case of United States v. Sandoval (1912), federal Indian policy treats and defines Indian tribes as separate distinct inferior political bodies ultimately subject to the federal government. This country's legal commitments to equal protection of the law as adopted in the Fourteenth Amendment to end the discrimination associated with Negro slavery were designed to make government's race-based classifications illegal. Instead of using the Indian Citizenship Act of 1924 to end the racist effects of federal Indian policy, the United States created perpetual Indian racism with the passage ten years later of the Indian Reorganization Act (IRA) of 1934.

With the passage of the Indian Reorganization Act, the United States changed federal Indian policy from a temporary policy of integrating Indians into majority society, into a federal Indian policy that permanently preserves a separate tribal status. The IRA "socialized" Indian reservations turning them into federal cooperatives managed by the Bureau of Indian Affairs (BIA). The IRA required Indian tribes to adopt

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FROM CERA's CHAIR:

In Between Our Splendid CERA Conferences.

By: Elaine Willman, CERA Chair

"It should be the highest ambition of every American to extend his views beyond himself, and to bear in mind that his conduct will not only affect himself, his country, and his immediate posterity, but that its influence may be co-extensive with the world, and stamp political happiness or misery on ages yet unborn." – George Washington

Our 2004 gathering in Washington D.C. last May was the largest, and perhaps most productive conference we have had yet. There is no doubt that our 2005 Conference will be even larger. The momentum and follow-up tasks from this event are ongoing. Attendees were from AZ, CA, CT, ID, MI, MN, MT, NE, NM, NV, NY, OK, PA, SD, WA, WI, and WY. Elected officials, legal counsel, enrolled tribal members and community leaders from across the country gathered for our two-day intensive educational conference, followed by over 70 meetings in three days on Capitol Hill. We are growing geographically each year. We are also substantially growing in terms of depth of knowledge and experience related to federal Indian policy.

Featured guests at the conference included T. David Price, author of "The Second Civil War – Examining the Indian Demand for Ethnic Sovereignty," and Dr. David Yeagley, noted Comanche journalist whose passion for American Indian patriots is an emerging voice that sees the corruption of Indian casinos tarnishing the reputation and the quality of life of American Indians. (See *http://www.badeagle.com*).

Some comments from attendees at our last conference include:

"Loved meeting all the people from all the states to discuss issues we face in our state. It was so uplifting!" (Idaho)

"The overall conference was excellent! I learned more in 5 days at the conference about gaming, process, law and regulation than in the past 10 months." (California)

"It was a grand event and we thank you for all your work in putting it together!" (Connecticut)

Our lineup of conference speakers for 2005 is equally impressive: Bruce Fein, nationally recognized Constitutional authority, and columnist; Thomas A. Bowden, author of "The Enemies of Christopher Columbus," and a return visit with T. David Price. Invitations have also been extended to other special writers and researchers.

During the two-day conference, educational sessions focus on the tribal federal recognition process, fee-to-trust land policy discrepancies, jurisdictional conflicts between tribal and other law enforcement entities, the family damage occurring under the Indian Child Welfare Act (ICWA), and the Indian Gaming Regulatory Act (IGRA) that is causing severe negative economic impacts upon unsuspecting and unwilling host communities. Last year, CERA was able to provide direct resource assistance to the communities of Plymouth, California and La Center, Washington during the conference.

CERA opposes the Environmental Protection Agency's (EPA) policy known as Treatment Similar to States (TSTS) that grants tribal authority over air quality, water quality, pesticides and superfund projects. TSTS actually removes the governance and authority of municipalities, counties and states from hundreds of thousands of citizens who own property or businesses within an exterior boundary of Indian reservations. At our 2004 conference, Les Ornelas, Yakima Regional Clean Air Authority Director from Yakima, WA reported on the unconstitutionality of a policy that treats tribal governments in a manner that is superior to, not similar to, states. It is troublesome that at a time when America is risking the lives of our military personnel and expending billions to free countries from the tyranny of tribalism, we have a federal agency (EPA) forcing tribalism as a substitute form of governance over American citizens here at home.

CERA defends the constitutional and civil rights, and the quality of life, of enrolled American Indian families subject to tribal government. Likewise, we place equal focus on the rights of other citizens whose lives are affected by federal Indian policy. We are independent citizens of different cultural persuasions and from different parts of the country who are deeply concerned with what is happening to our communities, our state and our country.

CERA has included detailed information and registration forms on page 8, for our **2005 Conference to be held May 15-19th, in Washington, D.C.** ***The deadline is April 15th, 2005***, to receive reduced lodging costs by utilizing our conference rates.
You won't want to miss it!

CERA PRESS CONFERENCE

Monday, May 16, 11 AM

Holiday Inn Central

1501 Rhode Island Ave. NW

Washington, DC

202-483-2000

DVD and Book Coming Soon

Two courageous women, Kamie Biehl from La Center, Washington, and Elaine Willman from Toppenish, Washington, have produced an extraordinary documentary film and accompanying book on the impacts of Federal Indian policy. The film and book will be previewed and available to attendees of the upcoming CERA Conference in Washington, D.C., May 15 - 19, 2005.

Kamie and Elaine journeyed 6,000 miles in a road trip across 16 Indian reservations from Washington State to New York. They captured on DVD the first-person experiences of tribal members, elected officials, law enforcement officials and community leaders. The stories include compelling perspectives about realities currently occurring to citizens residing on or near Indian country. Extensive land and water rights claims, law enforcement conflicts and lawlessness, living conditions and quality of life are primary topics. Also included are findings of constitutional and civil rights conflicts, serious social and economic affects upon surrounding communities hosting off- and on-reservation, Class III tribal casinos, and significant concerns about matters of homeland security within lands that have limited effective law enforcement.

Unlike mainstream media and politically correct academicians and lobbyists, the film and book tell a candid "...rest of the story" about the net effect of federal Indian policy upon the United States. The findings of this amazing journey are likely to be very startling to many American citizens.

CERF and CERA's Mission Statement

Federal Indian policy is unaccountable, destructive, racist and unconstitutional. It is therefore CERA and CERF's mission to ensure "the equal protection of the law" so that this nation of many cultures may be one people living under one constitutional system of laws.

Visit our Growing Website!
www.citizensalliance.org

CERA and CERF File Another Supreme Court Amicus Brief

By Judy Bachman

On the surface it would seem that *City of Sherrill, New York v. Oneida Indian Nation of New York, et al* is just another in a long line of disputes between a municipality and a tribe over reservation tax issues. Upon deeper scrutiny however, this case between the smallest city in the state of New York and the wealthy New York Oneida tribe is expected to have resounding reverberations all across the United States. The core of the dispute is whether after an Indian tribe purchases land that was previously occupied by that tribe it becomes Indian Country and is therefore tax exempt. The lower court and Second Circuit applied the modern federal Indian common law definition of Indian country and held that the purchased lands are exempt from municipal property taxes. Because New York, as one of the original 13 colonies, was never a federal territory and never had any Indian country, CERA and CERF disagree with the lower court rulings. CERF submitted an amicus brief in this case to the Supreme Court on behalf of the city of Sherrill detailing why we believe the lower courts should be reversed. This article explains our position in the Sherrill case.

Prior to the ratification of the U.S. Constitution, the State of New York and the Oneida Indian tribe entered into the 1788 treaty of Fort Stanwix. This was one of three treaties between New York and Indian tribes. The first clause of this historically significant treaty reads as follows: **"First, The Oneidas do cede and grant all their lands to the people of the State of New York forever."** By this first article, the Oneidas extinguished their aboriginal rights. In the second article of that treaty the state of New York established by metes and bounds a state use right reservation **"for their own use and cultivation but not to be sold"**. A federal treaty was crafted in 1794 with New York Indians in an effort to reduce unrest and tensions. There is no question that the 1794 Treaty of Canandaigua was signed. What is questionable, however, is the interpretation of the language in the treaty itself. The most often quoted section of the treaty reads, **"The United States acknowledges the lands reserved to the Oneida, Onondaga and Cayuga nations, in their respective treaties with the State of New York, and called their reservations, to be their property; and the United States will never claim the same, nor disturb them or either of the Six Nations, nor their Indian Friends residing thereon and united with them, in the free use and enjoyment thereof; but the said reservations shall remain theirs, until they choose to sell the same to the People of the United States, who have the right to purchase."**

Just hours before this CERA NEWS went to press, the Supreme Court decided this case in the City of Sherrill's favor

(see the Supreme Court link in the legal issues section of our wesite)

In the language of the 18th century there was an obvious difference intended between the terms "The United States" and "The People of the United States." The United States guaranteed protection to the Indians until they were desirous to sell to the People of the United States. Most often the only part of the treaty quoted is the section that refers to the United States protecting the Indians, leaving out the reference to their right to sell. The resolution of the Sherrill case depends upon how the United States Supreme Court looks at this treaty and applies the law.

Previously, the Supreme Court has applied modern federal Indian common law to decide the Oneida cases. In the Sherrill case, the city and its amici including CERF have argued that the law as it was understood in 1790 should be applied to answer whether the Oneida can regain sovereignty and tax exempt status on these parcels of land purchased by the Oneida.

Continued on page 4

Revisiting *US v. Lara*

By Darrel Smith

Just over a year ago CERF filed an amicus brief in support of Billy Jo Lara in his case against the United States for double jeopardy. That amicus brief was reprinted in the last issue of CERA NEWS and the case has now been decided by the Supreme Court. We were initially disappointed that the Supreme Court decided against Lara stating, "…the Constitution authorizes Congress to permit tribes, as an exercise of their inherent tribal authority, to prosecute nonmember Indians." The Court very pointedly did not decide if Lara's initial prosecution by the tribe violated his constitutional rights to due process and the equal protection of the law.

In its majority opinion, Justice Breyer, in discussing plenary power and the fact that federal Indian policy was initially "an aspect of military and foreign power" inserted the decision of United States v. Curtiss-Wright Export Corp. (1936). Curtiss-Wright limits the use of War Powers domestically, potentially limiting the justification for plenary power and federal Indian common law to the Commerce Clause.

The decision upholding this Congressional power certainly validates our concern about, and very active opposition to, SB 578 during the last congressional session. SB 578 would have allowed tribes to establish any "form of government," "tribal judicial system" and whatever "constitution or other organic governing documents" it chose. It then would have subjected anyone "having sufficient contacts with that land, or with a member of the Indian tribal government" to the "applicable criminal, civil, and regulatory laws" of that tribal government.

After our initial disappointment with the majority decision in Lara, we were pleased with many comments in the concurring and dissenting opinions. In a concurring opinion, Justice Kennedy called the situation "unprecedented" and said that "what Congress has attempted to do is subject American citizens to the authority of an extra-constitutional sovereign to which they had not previously been subject." He openly raised the question whether the tribe's original authority to try Lara was "legitimate."

Justice Thomas was even franker. He said the following, "…the time has come to reexamine the premises and logic of our tribal sovereignty cases….In my view, tribes either are or are not separate sovereigns, and our federal Indian law cases untenably hold both positions simultaneously….Federal Indian policy is, to say the least, schizophrenic….I do not necessarily agree that tribes have any residual inherent sovereignty or that Congress is the constitutionally appropriate branch to make adjustments to sovereignty,…The Court utterly fails to find any provision of the Constitution that gives Congress enumerated power to alter tribal sovereignty. The Court cites the Indian Commerce Clause and the treaty power….I cannot agree that the Indian Commerce Clause "'provide[s] Congress with plenary power to legislate in the field of Indian affairs.'"…it [treaty clause] provides no power to Congress...The Federal Government cannot simultaneously claim power to regulate virtually every aspect of the tribes through ordinary domestic legislation and also maintain that the tribes possess anything resembling 'sovereignty.'…until we begin to analyze these questions honestly and rigorously, the confusion that I have identified will continue to haunt our cases."

In a dissenting opinion Justice Souter (who was joined by Justice Scalia) said that, "Our precedence, then, is that any tribal exercise of criminal jurisdiction over nonmembers necessarily rests on a 'delegation of federal power. They further say that this understanding "was constitutional in nature" and that "our failure to stand by what we have previously said reveals that our conceptualizations of sovereignty and dependent sovereignty are largely rhetorical." They then say that, "Congress cannot control the interpretation of the statute in a way that is at odds with the constitutional consequences of the tribes' continuing dependent status."

These opinions indicate that a significant number of Supreme Court Justices are beginning to question federal Indian policy (FIP) in some very fundamental ways. It is CERF and CERA's position that none of the standard justifications for FIP (commerce, treaty or property clauses; common law, a trust relationship or war powers) have the authority to override the clear protections of due process and the equal protection of the law guaranteed to individuals in the Fifth and Fourteenth Amendments.

We believe if FIP is truly ever analyzed "honestly and rigorously" this reality will become inescapably apparent. We also believe we are seeing real progress on this issue and need your support for our continuing and expanding efforts.

In Memory

Roland John Morris, Sr.
July 1, 1945 – June 9, 2004

A courageous Ojibwe warrior, Roland Morris, battled for equal rights for his family and others.

Roland grew up speaking only Ojibwe on the Leech Lake Reservation in Minnesota. He experienced the ups and downs of reservation life from his youth. He learned how to hunt, fish, set traps and harvest wild rice with his Grandfather. Unfortunately, he also experienced many of the problems commonly associated with modern reservation life.

As an adult Roland made two important decisions that permanently changed his life. He moved away from his reservation and he experienced a life changing relationship with God through the ministry of Jesus Christ. These two decisions only deepened and strengthened over time and they transformed the rest of Roland's life. These decisions also transformed the lives of his family as he brought them with him on his new journey.

Roland began to realize that many of the "benefits" of the reservation system were actually destructive. This realization and his willingness to do something about it led to some amazing experiences. Roland served as President of the Montana organization All Citizens Equal, Vice-Chairman of the national organization Citizens Equal Rights Alliance, and Secretary of the Citizens Equal Rights Foundation. He also ran as a Republican candidate for the Montana House of Representatives in 1996. In April 1998, he testified before the US Senate Committee on Indian Affairs, as well as the Minnesota Attorney General in 2000. He also attended a year of training at the Living Faith Bible College, Canada, in 2000 and met with a member of the President's Domestic Policy Council in May 2002, in Washington DC.

Roland contributed to CERF and CERA in many significant ways. He understood reservation life "from the inside out and from the bottom up." His perspective plus that of others in our group made a powerful combination. He was exceptionally courageous and honest. Roland was a quiet man and a very good listener but when he spoke, you knew he was saying something he felt was true and important. He never played personal or political games. He gave us a focus and perspective that was helpful to completing our understanding of federal Indian policy

After a four year struggle against cancer, Roland died on June 9, 2004. We are richer for having known him. We miss him, and his vital contribution to us and the cause of equal rights. He bravely fought for his family and everyone affected by federal Indian policy.

Amicus Brief, continued from page 3

Once that question is answered another is raised by the 1830 Federal Indian Removal Act and the 1838 Treaty of Buffalo Creek implementing that Act. In the 1838 treaty, the federal government attempted to move all New York Indians west of the Mississippi. The Treaty of Buffalo Creek specifically states that the federal government will establish new lands for the Oneidas. Section 13 requires that the Oneida **"make satisfactory arrangements with the Governor of the State of New York for the purchase of their lands at Oneida."** The Buffalo Creek treaty, executed by the Treaty of May 1842, provided federal permission for the Oneida to convey all of their lands restricted under the federal Nonintercourse Act of 1790 to New York.

Under old federal Indian common law decisions which are defined as predating the Indian Reorganization Act of 1934, New York maintained its preemptive rights to purchase the Oneida lands. In *United States v. Boylan, 265 F. 165, 167-8 (2nd Cir. 1920)* the court ruled that only 32 acres were left with federal protection from the 1788 treaty of Fort Stanwix. The city of Sherrill is not within the boundaries of those 32 acres. The Oneidas purchased the land in question in the city of Sherrill in the 1990's and holds title in fee simple with none of the land currently held in trust.

The potential of the Sherrill case expanding beyond the basic tax question is what makes it more than just another tax dispute. In this case the Supreme Court has the ability to look beyond taxes into what establishes the right to tax. To get to the issue of taxation they may first need to determine whether Sherrill or the Oneida Nation has the jurisdiction to tax. If the ability to tax is dependent on jurisdiction and jurisdiction is dependent on sovereignty, they might then determine who has the right to hold and possess sovereignty. As a result what starts out as a simple tax sale proceeding in New York's smallest city may have the net effect of putting all of the New York Indian land claims, from in-state as well as out-of-state tribes, back on the table.

Because the land occupied by the City of Sherrill was never federal territory, the United States could not have reserved any federal sovereignty in the Treaty of Canandaigua on behalf of the Indian tribes. If the land was not reserved by treaty, who has the power to re-establish something that never was? Without a reserved property right, Article IV, Section 3 of the U.S. Constitution prohibits forming or erecting a new state within the jurisdiction of any other state. For the Oneidas to claim a federal reserved right across these parcels of land in Sherrill, they assert that the reserved rights doctrine is based on extraordinary federal power, not on any particular constitutional clause. Before the addition of the Department of the Interior, the War Department handled the tenuous Indian issues facing the United States. CERA and CERF agree with the Oneidas that the federal War Powers are the real basis of the federal reserved rights doctrine. The application of the war powers explains why Indian people have no constitutional rights on Indian reservations and why state sovereignty could be completely ignored by the federal government. CERA and CERF disagree strongly with the Oneida Nation that these extra-constitutional powers are beneficial to the people of the United States. As recently stated by the Supreme Court in the terrorism cases, due process and equal protection of the law must limit the authority of the federal government within the United States. Without this most fundamental holding that no emergency or federal policy can override the rule of law, no one, Indian or non-Indian, has any constitutional rights.

As recently stated by the Supreme Court in the terrorism cases, due process and equal protection of the law must limit the authority of the federal government within the United States. Without this most fundamental holding that no emergency or federal policy can override the rule of law, no one, Indian or non-Indian, has any constitutional rights.

CERA began watching the situation in New York in early 2002 when the situation was presented at our annual conference. It is a fact that none of the land in the Oneida-Madison area is held in trust, including thousands of acres purchased by the Oneida tribe of New York in fee and developed into a casino, hotels, gas stations, marinas, RV parks, golf courses and any other business they see fit. There is no federal oversight and no local, county or state control of environmental or zoning issues. No land taxes are paid and no sales taxes remitted. The Federal EPA and State Department of Conservation have each negated their oversight of the issue and left the local citizens and taxpayers totally void of recourse.

In June of 2004 when the Supreme Court took up the case, CERF recognized the national issues involved and voted to file an amicus in favor of Sherrill. The case was argued January 11th, 2005 and a decision is expected by the end of June 2005. The Supreme Court decision has the potential to answer the question **"DOES INDIAN SOVEREIGNTY ATTACH WHEN A TRIBE PURCHASES LAND IT ONCE OCCUPIED?"** If The Supreme Court addresses the Sherrill case in the context of the reserved rights doctrine, the ramifications of their determination will apply not only to the City of Sherrill, the State of New York and the original 13 colonies **BUT ALSO TO ALL THE OTHER 37 STATES.**

Hawaii's Future if Akaka Bill Succeeds
Last Star On, First Star Off!

On March 1, 2004, The Senate Indian Affairs Committee under Senator John McCain (R-AZ) approved Senate Bill 147, a long standing proposal of Senator Daniel Akaka (D-HI). The "Akaka Bill" would split the island state into two parts by creating a "sovereign and independent" Native Hawaiian state with control of the property they claim and with full control of their own law enforcement and justice system. They would continue to enjoy all of the benefits of what remains of the present State of Hawaii.

The legislation calls for all descendants of native Hawaiian islanders to be represented by a "United States Office for Native Hawaiian Relations" somewhat similar to the federal Bureau of Indian Affairs. Federal programs for health, education and welfare, supported by American taxpayers, would be funneled to the "Native Hawaiian Interagency Coordinating Group." Having returned from a fact-finding visit to Hawaii, Elaine Willman, Chair of the Citizens Equal Rights Alliance, provided the CERA Board with the following report:

"Hawaii is being politically and psychologically overtaken by separatists. The Akaka Bill seems almost a foregone conclusion in Honolulu. It will be averted only by a congressional rescue by Hawaii's 49 sister states. The movement to secede is real and strong among a vocal part of the ethnic Hawaiian population. Their motto: Last Star On, First Star Off!

"The Office of Hawaiian Affairs (OHA), a state agency, wields a dominant clout in the political process here. This clout begins with GOP Governor Lingle, permeates the largely Democrat state legislature and includes island newspapers and educational institutions.

"OHA administers programs exclusively for 'native Hawaiians' (any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778) and 'Hawaiians' (any such descendant of any blood quantum, i.e., one drop). OHA is abundantly funded by the State and most of its funds, including the approximately $350 million it now holds, are earmarked for 'native Hawaiians' of not less than one-half blood.

"Another State agency–the Department of Hawaiian Home Lands (DHHL)–controls 200,000 acres of the State's public land exclusively for 'native Hawaiians.' It awards homestead leases (residential, farming and ranching) exclusively to 'native Hawaiians' for a term of 99 years at $1 per year, renewable for an additional 99 years.

"Kamehameha Schools, created in the mid 1890's by Bernice Pauahi Bishop, just published an annual report listing $7.2 billion (with a B) in assets. These schools are available only to ethnic Hawaiian children (although the will does not require that restriction). OHA, DHHL and the Kamehameha Schools are being legally challenged because they practice racial discrimination, and therefore they are pushing for a Plan B – a 'Native Hawaiian governing entity,' over which they all will hold sway.

A single public hearing on the first version of the Akaka bill was held by the Hawaii delegation in Hawaii in September of 2000. One talk show host & TV commentator, Bob Rees, estimated that opposition exceeded supporting testimony 9 to 1. Despite that overwhelming opposition, the Hawaiian delegation reported broad support for the bill. Opponents believe that, despite the taxpayer-funded multi-million dollar advertising/propaganda campaign over the last twenty years, most people are not in favor of the bill. The last time the people of Hawaii were allowed to choose their form of government was in the 1959 Statehood plebiscite. Over 94% voted Yes for statehood. Today, that statistic is being ignored and supporters insist that ALL Hawaiians support the proposed legislation.

> ***The short range goal is to be free of all state interference. The long range goal is to restore a nation of, by and for Hawaiians, defined by race alone. The desire is to be an independent monarchy or other type of Hawaiians-only governing entity, operating tax-free, regulation-free, capable of negotiating treaties with other countries, and honored by its international colleagues.***

"The last 'Star' is being threatened by elected officials who are sworn by Oath to protect Hawaii's statehood. That so many elected officials are constantly bowing and curtseying to this anti-State, anti-America movement while ignoring their constituency is alarming.

"The Akaka bill is intentionally vague as to the type of 'Hawaiian government entity' that will be designed by Native Hawaiians. The short range goal is to be free of all state interference. The long range goal is to restore a nation of, by and for Hawaiians, defined by race alone. The desire is to be an independent monarchy or other type of Hawaiians-only governing entity, operating tax-free, regulation-free, capable of negotiating treaties with other countries, and honored by its international colleagues. This seems unimaginable but the political machinery is in place.

"A Senate vote on S. 147 is promised no later than August, and quite likely much sooner. I wish I were simply having a bad dream about a lovely place. But what I am reporting here is grim reality."

Hawaii appears to be the next phase in the balkanization of our country. Very few Hawaiians have any idea how this bill will impact their state. An in depth analysis of S. 147 is provided in 'Killing Aloha' by Attorney Paul Sullivan. It is available at the following link: ***http://tinyurl.com/63lu9***

CERA Retreat Notes

From left to right. Front row: Charlotte Mitchell, Naomi Brummond, Judy Bachman, Curt Knoke. ***Second row:*** Dick Tallcot, Howard Hanson, Reyna Williams, Donna Fitz, Elaine Willman. ***Third row:*** Darrel Smith, Dennis Williams, Clarence Fitz, Les Ornelas, Fred Bachman. ***Back row:*** Jim Petik, Lana Marcussen, Scott Seaborne.

Last August 13th-15th the directors of CERA/CERF once again held a retreat at the home of Curt and Mary Knoke in Gresham Wisconsin. Many issues caused by destructive federal Indian policies were discussed, including the Supreme Courts decision in *U.S. v. Lara* and steps to take if S-578 rears it's ugly head again. The issue taking the most time was brought by CERA Vice Chair, Judy Bachman who introduced us to the Sherril case, which is about taxing non-trust, fee simple tribal lands in New York. We agreed to file an Amicus Curiea brief in this very important case which is on its way to the U.S. Supreme Court.

An informal CERA organizational discussion in the shade.

From left to right: Howard Hanson, Lana Marcussen, Reyna and Dennis Williams, Les Ornelas.

Racism, continued from page 1

tribal constitutions to be federally recognized for the receipt of federal funds. These tribal governments resembled our Constitutional structure but deliberately did not include any enforceable individual rights or separation of powers. They were intended to be examples of how our own constitutional system could be "improved." The IRA displaced many traditional tribal cultural practices that relied on extended families tied to specific land areas. The government officials enforcing this new program were avowed communists, applying communist ideology to Indian tribes to prove that socialist ideas of collective property and centralized government management were superior to the individual free markets and limited governments that they blamed for causing the Great Depression. Indian tribes who did not comply willingly with the IRA, like the Navajo Nation, were forced to comply by federal officials of the BIA. In other words, radical federal government bureaucrats used Indian tribes for their own political purposes, intentionally creating a permanent racist system that separates Indian people living on reservations from all other people in the United States. This socialist system was imposed on Indian people solely on the basis of their race. The IRA has resulted in some of the highest levels of poverty, social problems and government corruption in the United States.

In other words, radical federal government bureaucrats used Indian tribes for their own political purposes, intentionally creating a permanent racist system that separates Indian people living on reservations from all other people in the United States.

The IRA also changed the legal status of the reservations of federal lands the tribes continued to occupy. Federal common law had evolved into a system of temporary reservations of public lands for Indian tribes that continued to act as tribes. As members of an Indian tribe integrated, the reservation of federal land was ended and the land was given as private property to tribal members either individually or as a group. This practice was formalized in law in 1887 by the Dawes Act, which was later amended by the Burke Act in 1906. These laws and the Indian Citizenship Act of 1924 should have irreversibly finalized this process. These laws ended tribes as political governments and required the United States to grant Indian individuals integrating into the majority society private ownership of some reservation lands, after a restricted "trust" period of 25 years. They also granted these integrating Indians, citizenship and equal rights.

Today, the IRA and Indian Self Determination Act promote tribal governments that are largely unaccountable to Indian members thereby allowing rampant corruption.

In contrast, the 1934 IRA reversed this process of making Indians full citizens, reestablished tribal governments and made Indian reservation systems permanent, prohibiting the granting of any federal land to an Indian tribe or Indian individual as private property. The socialist agenda of the IRA would not allow the United States to continue to create private property from federal public lands. Private rights to land create enforceable civil rights against the federal government. By enforcing communal lands, the 1934 IRA enforces permanent racial segregation.

The United States has to justify the IRA system imposed on Indian people. The new socialist IRA federal Indian policy had not succeeded when the Civil Rights movement of the 1950's and early 1960's began. In fact, Indian reservations were models of the failure of these socialist principles. But the deference the federal courts gave to the United States over Indian reservations had become something very special to the United States government. The federal courts continued to allow the United States extra-constitutional powers when dealing with the Indian tribes after the passage of the IRA as though they were still separate sovereigns. This was power the federal government wanted to expand, not limit. This meant that the United States had to dispel the growing belief that federal Indian policy was racist. The United States did this by promoting the principle of tribal sovereignty (independent supremacy).

Meanwhile, racial discrimination on Indian reservations against Indian people continues with their deprivation of constitutional rights and property ownership, resulting in endless poverty and hopelessness.

Promoting tribal sovereignty to justify the racism of federal Indian policy ignores the fact that the IRA intentionally destroyed the independent cultures of the Indian tribes. The IRA talks of preserving cultures while completely subjugating tribes to a socialist policy that makes each tribe an independent collective enterprise of the federal government managed by the BIA. This is why the BIA cannot be reformed or terminated. Either action would end the extra-constitutional socialist experiment initiated by the IRA. Unfortunately, largely because of federal Indian policy, almost all Indian tribes have now lost their cultural uniqueness. In 1968, Congress passed the Indian Self Determination Act which allowed sham tribal governments created by the IRA to take over federally administered programs that provide services to individual Indians. These programs prop up the whole system so it can survive. Today, the IRA and Indian Self Determination Act promote tribal governments that are largely unaccountable to Indian members thereby allowing rampant corruption. To make matters worse, unaccountable tribal leaders say they believe the rhetoric of the IRA and Indian Self Determination Act that more than 560 separate little countries can be made within the 50 states. For these tribal leaders, who are some of the few beneficiaries of the IRA, this impossible result is the ultimate goal of tribal sovereignty.

Federal Indian policy has now become a nightmare. The United States can no longer control tribal leaders pushing their own tribal sovereignty or Indian individuals, like Ms. Cobell, who are suing the United States for millions of dollars for breach of trust, all at the expense of the federal taxpayer. Meanwhile, racial discrimination on Indian reservations against Indian people continues with their deprivation of constitutional rights and property ownership, resulting in endless poverty and hopelessness. The racism of federal Indian policy against Native Americans cannot be justified. Tribal sovereignty like the socialism upon which it is based, is the antithesis of the belief that we are all one American people who mutually benefit from the diversity of our various cultural backgrounds.

It is time to end the racism of federal Indian policy against Indian people. Native Americans are as capable as any other group of Americans of being responsible citizens. CERF and CERA strongly believe that Indian people should receive the lands reserved for their use under the racist IRA system. With a land base and equal rights, Indian people can preserve what is left of their cultures while becoming full productive citizens. By owning their land, Native Americans will have the ability to gain the infrastructure and capital required to create productive businesses. Eliminating legal racial discrimination by the federal government is our primary goal. We pledge to continue an education effort to expose the racist blind spot of federal Indian policy and fight for full and equal constitutional rights for all Americans harmed by federal Indian policy.

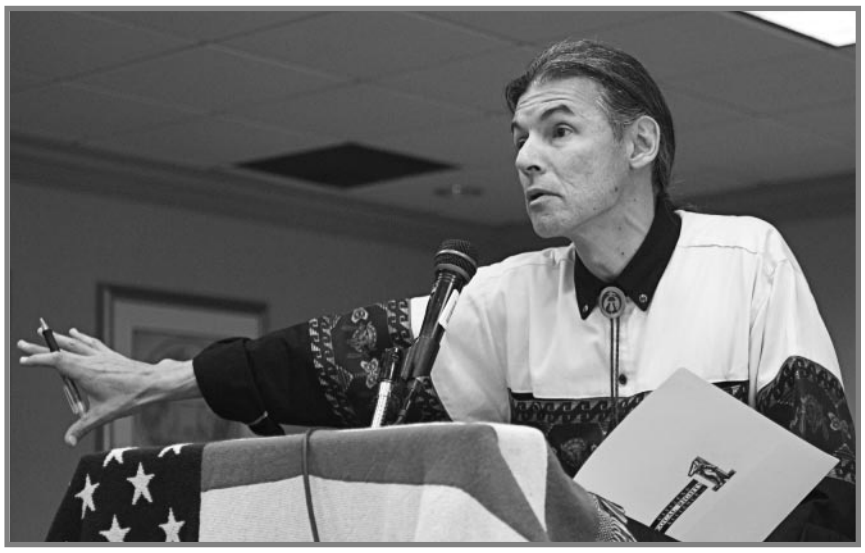
THREE Questions:

1 **What objective evidence demonstrates that federal Indian policy has generally benefited Indian people?**

2 **What justifications for federal Indian policy (commerce, treaty or property clauses; common law, trust or war powers) have higher legal precedence than the 14th Amendment's guarantee of the equal protection of the law?**

3 **What are the fundamental differences between the reality of federal Indian policy and the goals of the KKK or Aryan Nation?**

CERA 2004 Washington D.C. Conference Notes



Dr. David Yeagley – College Professor and nationally syndicated author.

Dr. David Yeagley is a college professor from Oklahoma and a descendant of a famous Indian leader named Bad Eagle. One of the classes Dr. Yeagley teaches is about Patriotism and he refers to himself as "An American Indian Patriot". When he accepted the invitation to attend the CERA/One Nation conference he was apprehensive about these various groups of people from all across our country and if they were in fact an anti-Indian crowd, full of resentment towards Indian people, as he had heard rumored.

After attending two days of conference meetings and listening to many hours of panel discussions and speakers from many states talking about how their communities and lives are being negatively impacted by unconstitutional and lawless federal Indian policies Dr. Yeagley stated "these groups are the most sincere, rational and fundamentally patriotic people that he has met. I found a group of patriots here and heard no anti-Indian sentiment, nor any plot to oust Indians or take away what they have. You can fish for these sentiments, and believe me, I tried – but it was not there."

Dr. Yeagley was extremely critical of "Invented Indians" being used by gaming interests to restore reservations and open gambling casinos. He cited casino magnate Skip Hayward and his make-believe tribe in Connecticut as an example and stated "the very idea to claim to be an Indian to open an Indian casino is ludicrous, has corrupted true process, and caused more damage to 'being Indian' than Christopher Columbus. Tribes coming into existence to become recognized so they can open a casino has got to stop."

Dr. Yeagley is also very concerned about negative ramifications tribal sovereignty and tribal Sovereign Immunity are causing to the constitutional and civil rights of citizens across the country. After lots of discussion and listening to many people he said that there is a great deal of misunderstanding. Yeagley believes that to Indians, sovereignty means "self determination". He stated that "sovereignty needs to be discussed because it has different meanings to Indians than the concerned people I met at this conference".

Faron Iron is a member of the Crow Tribe in Montana and works at Chris Kortlanders' Big Horn National Park museum near the Custer Battlefield.

Faron has been a part of the past three Crow Reservation Administrations. Faron told us that "people living on the reservation are oppressed and misguided. The tribe is run by a Ruling Class system of the corrupt, by the corrupt and for the corrupt. Sovereignty has given tribal leaders the power to keep the majority in poverty. Our tribal government is a fraud. There are no checks and balances for civil or constitutional rights and now these bad effects are spilling off the reservations and harming other citizens."

Representatives of over forty groups from half our fifty states attended our conference to discuss and learn more about federal Indian policies.

Roland Morris holds an oak plaque presented to him for his steadfast solid beliefs that federal Indian policies are flawed and detrimental to the Indian people.

Charlotte Mitchell receiving a silver tray from Judy Bachman in memory of her husband Jim Mitchell's many years of service building CERA

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❍ $35 Annual Membership Renewal

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Mark Your Calendar!

Washington D.C. CERA Conference
Indian Sovereignty - Separating Fact from Fantasy... Confronting the Chaos!
May 15-19, 2005

CERA's 2005 Conference will include:

2 Days: **Intensive information and training sessions (May 15/16). Conference starts at 8:30 AM, May 15th – Prayer Breakfast.**

3 Days: **Meetings with federal elected officials, administrative staff, national organization leaders and media (May 17-19).**

- Flawed Fundamentals of Federal Indian Policy
- Tribal Casino Impacts & IGRA
- National Environmental Policy Act
- Law Enforcement Conflicts
- EPA – Treatment Similar To States
- Native Hawaiian Legislation
- Homeland Security
- U.S. Supreme Court Rulings
- Fee-to-Trust Land Issues
- State/Tribal Water Conflicts
- Community Organizing

CERA's annual conference is an "instant training center" for elected officials and citizens who are concerned about federal Indian policy conflicts. and is an excellent opportunity to exchange experiences, successes, and effective strategies to carry back to your local communities and states.

Registration Fees: Individual: $150 Couple: $225

The hotel group conference rate of $129.00 (2 double-beds/room) is available through April 15, 2005. The Holiday Inn-Central rates are more affordable than most D.C. hotels, and it is a lovely facility with a restaurant, gift shop, conference facilities lobbies and excellent staff. Mention "Citizens Equal Rights Alliance" when making reservations.

Holiday Inn Central
1501 Rhode Island Avenue NW
Washington D.C.

phone: 1-800-248-0016 or 1-202-483-2000
www.inn-dc.com

Included in the registration fees are conference materials, continental breakfasts and lunches served on May 15th and 16th, and evening snacks in our small evening gathering room. (May 15-18). **For additional information contact: Elaine Willman, CERA Chair: 509-865-6225; toppin@aol.com.**

Complete the form below, cut along the dotted line, then mail with your fees

REGISTER EARLY – LIMITED ENROLLMENT

I/We will be attending the CERA Conference as: Individual ___ ($150) ___ Couple ($225)

***Please make check payable to CERA, and mail to*: P.O. 1280, Toppenish, WA 98948**

NAME(s): _____ Organization: _____

_____
P.O. or Street City State Zip

Contact Info: _____
Phone Fax Email Address

My Senators are: _____ and _____

My Congressman is: _____ My most important Issue is: _____