CERA Report

MEMBER UPDATE Vol. 3, No. 1 JUNE 08

Judy Bachman takes on role of CERA President for 2008

From the Chair

"Each of us that belongs to CERA ... brings a different strength to the organization."

By Judy Bachman

Spring of 2002 proved to be a very important turning point in my understanding of Federal Indian Policy and the plight of the United States Native American. Until that point in my life, I had only been exposed to the Casino in my back yard and the bitterness and resentment it fostered in my community. I did not understand tribal recognition, IGRA, Sovereignty, and any number of other issues that the BIA involvement had clouded in my community.

That spring a friend call me and said "Judy, you are going to Washington there are some people there you need to meet." She was right! There, I was introduced to CERA, an organization of the most committed and dedicated people I have ever had the privilege to work with. The information presented and made available was close to overwhelming. People were there at their own expense, from across the nation, working together sharing their knowledge and situations. Suddenly we were no longer alone or overwhelmed by our federal government and this huge debacle called Federal Indian Policy.

The first time I read the CERA/CERF Mission Statement, I was stunned to realize that an organization had the strength to put it in writing. Each of us that belongs to CERA/CERF brings a different strength to the organization. Just as it is easy to snap one pencil at a time, when you put a dozen together the task becomes harder.

As your new president, I bring different strengths than those of Elaine. Continuing as a Board member, Elaine's strength is still with us. The support I have been receiving from across the country has been gratefully received. Now it is my turn to extend to the citizens of this great country the same hand that was extended to me upon finding CERA. My belief in CERA/CERF and its purpose bolsters me to say I will give my best to see that CERA continues in its mission to educate and protect all United States Citizens within the constitution of this great nation.

INSIDE Page

CERA DC Conference:

'Indian Policy drives civil rights assault' Battle expands into more arenas

CERA members took their defense of Americans' civil rights to ground zero for Federal Indian policy. Two days of seminars prepared them for making their voices heard. Then they spent the next three days contacting members of Congress, federal agencies, and Capitol Hill staff.

Prof. William B. Allen keynoted civil rights role in CERA's mission

Prof. William B. Allen, former Chairman and member of the United States Commission on Civil Rights, spoke to the group. He helped frame the civil rights issues for CERA's meetings with federal government leadership.

Seminars clearly showed a growing number of arenas affected by tribalism.

Some arenas were national, such as Interior and BIA's agenda to expand tribal sovereignty, or the loss of oversight by Homeland Security. California, Hawaii, Nebraska, Montana, Rhode Island, and New York are state arenas of confrontation. Community situations in Wisconsin, Nebraska, Rhode Island, and other states may appear local. But, as the CERA conference made abundantly clear, underlying issues are not. The civil rights of all Americans are diminished wherever special interests, supported by unequal protection of the law, prevail.

BIA grants 13,000 acres in NY Oneida fee-to-trust app

The Department of the Interior Bureau of Indian Affairs in May acted on the Oneida Indian Nation of New York's fee-to-trust application. The BIA's decision placed 13,003 acres in trust under authority of the Indian Reorganization Act of 1934.

The fee-to-trust application had various alternatives, including one for placing 17,370 acres in trust. The lands proposed for acquisition are located in Madison and Oneida Counties in the state of New York and are owned by the Oneidas.

The Oneidas submitted its application in response to the U.S. Supreme Court's 2005 City of Sherrill decision. In Sherrill, the Court ruled that the Oneidas could not unilaterally assert tribal tax immunity from property taxes on lands that they re-acquired two centuries after they had last possessed them. Local municipalities contend the Oneidas owe at least $22.5 million in back taxes on the land and $340 million on the 19-story Turning Stone casino and resort buildings. The Court said that the "proper avenue" to reestablish sovereignty was by a fee-to-trust application.

Lands in the application included a Class III casino; gaming-related amenities; five golf courses; 13 gas stations; tribal government health, education, and cultural facilities; member housing; and hunting lands. They also included numerous non-gaming enterprises, such as convenience stores, a newspaper operation, three marinas, agricultural operations, and agricultural lands.

The BIA chose the application's "Preferred Alternative" (of nine listed), which had asked for 13,086 acres.

The purpose of the fee-to-trust request was "to help address the Nation's need for cultural and social preservation and expression, political self-determination, self-sufficiency, and economic growth." This would be accomplished by providing a "tribal land base and homeland." Such land would include a number of features, the most significant being land "that is subject to tribal sovereignty" and "immune from New York State and local taxation and regulation."

Indian Land Tenure Foundation

The Indian Land Tenure Foundation funds Indian land programs nationwide related to the acquisition, ownership, and management of land by tribes and Indian individuals.

Their mission is to ensure that "land within the original boundaries of every reservation and other areas of high significance where tribes retain aboriginal interest are in Indian ownership and management."

Taking Back the Land

According to ILTF, tribal land ownership was reduced from 138 million acres in 1881 to roughly 55 million acres today. Now, the vast sums from casino dollars enable tribes to continue reacquiring land; to take back what they contend was always rightfully theirs.

Issues that ILTF will address directly are checkerboard reservations, fractionation of land, and economic diminishment of land.

Checkerboard reservations stem from the 1887 General Allotment Act, also known as the Dawes Act. It divided reservations into tracts of land for individual Indians. Individual ownership allowed loss of land by sale, illegal taking, inheritance, foreclosure, or back taxes. Checkerboard ownership also created jurisdictional, coordination of service, and "neighbor relation" issues.

Fractionated title or undivided ownership issues arose when title to the allotment, but not the physical land, was divided equally among every eligible heir unless a will had been written stating otherwise. These conditions reduced the economic value of land as an asset and created uncertainty as to what property assets and rights Indians have.

The Foundation supports activities that: educate Indians about these issues; create financial models that convert land into leverage for Indian owners, and use Indian land to help Indian people discover and maintain their culture. ILTF also wants to "reform legal mechanisms related to the recapture of physical, cultural, and economic assets for Indian people while strengthening the sovereignty of Indian land."

The Northwest Area Foundation, based in St. Paul, Minnesota, launched the ILTF in 2002 with a $20 million commitment over the next decade.

Cris Stainbrook has been President of ILTF since it started. He is a board member of three other Minnesota foundations, and the Minnesota affiliate of the Civil Liberties Union. Before this, Stainbrook spent thirteen years at Northwest Area Foundation.

Curriculum sets stage

The ILTF has also created an Indian Land Tenure Curriculum, which has components from Head Start to college level. Its focus is on traditional Native American land values. It sees Indian ownership and stewardship of land as fundamental to Indian culture, tribal sovereignty, community well-being, and economic strength. It's available at www.indianlandtenure.org.

Edward Valandra, Professor of Native American Studies at UC Davis, is the author of the college level component. He makes no secret about his concern for the "sacred cows" of manifest destiny (genocide), plenary power (colonialism), white privilege (racism), and Native studies lite (colonial laureates.)

A Less than Neighborly Neighbor…

By Elaine Willman

How would your local government handle an adjacent private (tribal) government intent on acquiring your land base, and overpowering the government you elect? How comfortable would you be if a co-located tribal government whose enrolled residents are few, were ramping up its law enforcement, public safety and new judicial systems to co-mingle or overwhelm the same systems of the government you elect?

And how about this same neighboring tribal government sending paid staff for years to attend every single public meeting, and next day sending staff into the local government demanding every available public record, to then assign additional tribal staff to strategize tactics to obstruct the projects and services your local government tries to provide its residents?

The Village of Hobart, Wisconsin (pop. 5,800) is located next to the City of Green Bay and the Green Bay Airport. The Village is a high quality "bedroom community" with very little commercial activity. This local general-purpose government employs 15 full-time employees governed by a 5-member Board of Trustees that administers a meager 3.7 million dollar annual budget, and has the duty to protect the general welfare and public safety of a 33-square mile municipality.

The Village is co-located within the historical boundaries of the Oneida Tribe of Indians of Wisconsin (OTI). The tribe's annual operating budget is 527 million dollars, including its casinos and other profit centers such as the 7-Generations Corporation. The OTI is one of the largest employers in Brown County, and perhaps the State of Wisconsin.

Over the recent years, the OTI has accomplished an aggressive land acquisition program, acquiring 32% of the Village's taxable property. Currently 11 percent of land in Hobart has been placed into federal trust and removed from the tax rolls. The remaining tribally owned fee land is also packaged for placement into federal trust.

The issue for the Village of Hobart that relies upon its property tax revenue is to find alternative sources of revenue to sustain the Village's municipal services. The first strategy determined was the formation of a 490-acre business-industrial park in 2001. The Village expended over 3 million dollars for roads and infrastructure. The tribe's response to this Village effort was to quietly purchase more than 75 percent of the land within the Village's industrial park. The tribe informed the Village that it would not develop the land it acquired within the new Industrial park. This was a blow to a substantial effort expended by the Village. In January 2003, the Village filed an action for declaratory relief in state court to resolve the jurisdictional dispute.

As a next alternative, the Village invested 6 million dollars to acquire 300 acres of developable farmland to create a commercial area along a State Highway that is its northern boundary. The Village has fewer than 30 businesses and no downtown core, so a Village commercial center would greatly assist consumer and professional needs of its residents as well as offset continuous erosion of property tax from tribal acquisitions.

About the time the ink dried on the acquired Village property, the tribe purchased for over 3.1 million dollars, a 17-acre, L-shaped un-buildable "strip parcel" that blocked the Village's ability to bring infrastructure to the 300 acres the Village had just acquired. The tribe paid 15 to 18 times the actual market value of an acre of farmland for this narrow, L-shaped strip of land. Since the "spite strip" was fee land, the Village determined to pursue easements and condemnation to get its sewer line across the 60-foot strip to its 300-acre investment.

In response to the Village's action, in December 2006 the tribe filed suit against the Village in Federal District Court, even as the State Court action was unresolved and subsequently stayed, pending the federal court decision.

In a March 12, 2008 meeting with Carl Artman at BIA headquarters in Washington, D.C. Carl Artman, then Assistant Secretary of the Bureau of Indian Affairs informed the Hobart Village Administrator and Public Policy Director of Focus On The Family that "IGRA (the Indian Gaming Regulatory Act of 1988) is not just about gambling; it's not just about commercial; it's about governmental jurisdiction." There is no better illustration of Mr. Artman's statement than the aggressive and incessant actions of his own tribe, the Oneida, against the Village of Hobart.

On March 28, 2008 Judge William Griesbach ruled in *Oneida Tribe of Indians v. Village of Hobart* (Case. No. 06-C-1302) in the Eastern District of Federal Court, the following:

"…I conclude that fee land within the original boundaries of the Tribe's reservation which was allotted pursuant to federal law, transferred to third parties, and subsequently acquired by the Tribe in fee simple on the open market, is subject to the Village's power of eminent domain. In addition, I conclude that the land is subject to special assessments levied against the property for improvements that specially benefit it…. The clerk is directed to enter final judgment in the favor of the Village setting forth the court's determination that the Village of Hobart has condemnation, special assessment and taxation authority over

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County says NO to Intergovernmental Services Agreement with tribe

By Butch Cranford

Amador County, a small rural county of 36,000 located between Sacramento and Lake Tahoe, is home to a Las Vegas style Indian casino at Jackson. Now, two more Indian casinos are proposed for Buena Vista and Plymouth. If built, three casinos would be within 10 miles of each other.

Citizens oppose more casinos

Amador County citizens are opposed to tribal plans for more casinos. A non-binding referendum in November 2005 showed 84 percent of Amador's voters don't want more casinos.

Amador County recently rejected an ISA with the Buena Vista tribe. This was a major step for Amador County citizens in stopping a casino at Buena Vista. At issue was a clause in the ISA requiring the County to drop a lawsuit it filed in the D.C. District Federal Court. The County was not only to drop its challenge to the eligibility of the tribe's non-reservation fee land for gaming. It was also required to never challenge the status of land again.

Two well-organized citizens' groups, Friends of Amador and No Casino in Plymouth, were prominent at all five public hearings on the ISA. Their efforts played a major role in the County's decision to reject the ISA.

Key lawsuit moves ahead

Two days later, the County learned that the D.C. District Court had denied the Dept. of Interior's motion to dismiss and granted the County's motion to amend the suit.

This suit had been on hold for more than three years. Now that the tribe and County are no longer negotiating, it appears the District Court is ready to move forward. The case will have profound consequences in California if Amador County prevails.

Land status unsupported

The Buena Vista Band of Miwok is known in California as a "Tillie Hardwick" tribe after a 1983 California District Court judgment. As such, the Buena Vista tribe is claiming federal recognition and restoration of its rancheria land to reservation status. A careful reading of the Tillie Hardwick Stipulation, however, reveals that none of the plaintiff tribes were restored to federal recognition, and no lands were restored to reservation status.

'The Tribe has requested that the BIA take into Federal trust 228 acres of land ...[for] a hotel, parking areas and other facilities."

...[but County] records show that none of the twelve parcels making up the 228 acres is held in fee.'

Another Las Vegas style casino is proposed in Plymouth. On April 18th, notice appeared in the Federal Register that the proposed casino's Draft Environmental Impact Study has been made available for public comment. One statement in the Notice did not surprise Amador County citizens who have experience with the Modern Ione Band, BIA, and DOI over the past five years. It said: "The Tribe has requested that the BIA take into Federal trust 228 acres of land currently held in fee by the Tribe, on which the Tribe proposes to construct a casino, a hotel, parking areas and other facilities."

While the Ione Band does own properties in Amador County, the County Assessor and Recorder Office records show that none of the twelve parcels making up the 228 acres is held in fee. It is likely that the Draft EIS is itself filled with the same kind of inaccurate data and analysis.

Conflicts of interest abound

Neither James Cason nor Brian Waidmann at the DOI has answered emailed requests for documents that Asst. Secretary Carl J. Artman used in authorizing the notice. This is just another in a long series of unethical and potentially illegal actions by the BIA and DOI in processing the Fee-to-Trust Application for the Ione Band.

For example, a notice about written comments on the Draft EIS said they should be mailed to Amy Dutschke at the Regional Office in Sacramento. A list of tribal members published by the Ione Band in the Amador Ledger Dispatch March 15, 2006 indicates that Amy is eligible to vote as a member of the Ione Band. What are the chances that these comments will receive an unbiased analysis?

Tribes 'hire' federal employees

This is the same BIA office involved in an unauthorized tribal fee-to-trust consortium since 2005. In this consortium, tribal "contributions" pay the salaries of "federal employees" whose only job is to process fee to trust applications. A September 2006 Inspector General Report had this to say about the Consortium:

"On November 10, 2005, the Department of the Interior's Office of Inspector General received an unsigned Memorandum of Understanding between the Bureau of Indian Affairs Pacific Regional Office and "California Fee to Trust Consortium Tribes." The MOU describes a process by which the BIA-PRO "re-programs" Tribal Priority Allocation funds back to BIA-PRO to hire federal employees dedicated solely to processing Consortium members' fee-to-trust applications.

"This MOU created a Consortium Committee comprised solely of tribal representatives that possesses a wide

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County says NO from page 4

'A September 2006 Inspector General ... investigation has found this appearance of a conflict of interest to be, in fact, real.'

array of powers and authority with respect to the consortium staff (federal employees.)

"Additionally, the funding structure of the MOU, based predominantly upon the tribes' election to redirect their TPA funds to the program, creates a situation where the tribes are literally paying the salaries of federal employees. The ability of an all-tribal body to influence the selection, performance awards, and duties and responsibilities of the federal consortium staff—coupled with the fact that the tribes control the purse strings from which the consortium staffs' salaries are dependent—results in a patent perception of a conflict of interest. This investigation has found this appearance of a conflict of interest to be, in fact, real.

To date, the BIA and DOI have taken no action to eliminate these conflicts of interest as clearly established by the Inspector General's Office.

More examples. Carl J. Artman also wrote the restored lands opinion for the Ione Band and in 2003 and 2004. And, then-Assistant Secretary Maureen Martin authorized two environmental scoping sessions for the Ione Band. After which she left the BIA to work for Holland & Knight—Ione Band's law firm—where she was involved in providing documentation on the Ione Band's restored lands opinion to the National Indian Gaming Commission.

Just business as usual at the BIA.

For information on the proposed casinos, visit nocasinoplymouth.com, or contact Butch Cranford at plymouthbutch@hotmail.com.

Mashpee Wampanoag land into trust

Tribe shops for casino-suitable sites

By Carol Kelley

The Mashpee Wampanoag Indian tribe of Massachusetts, newly recognized in 2007, is claiming an unprecedented "initial reservation" status for two areas of land, 41 miles apart. One parcel is in the Town of Mashpee, MA on Cape Cod, the other in Middleboro, MA where the tribe wants to build a Casino. The Middleboro lands were purchased by casino developers Sol Kerzner and Len Wolman for the tribe. The Bureau of Indian affairs has held two meetings for public comment on the NEPA regulations.

Interior Dept. authority questioned

The scoping process itself must first address the authority of the Secretary of the Interior to even consider placing lands into federal territorial ownership under 25 U.S.C. § 465 and 25 C.F.R § 151.9. This statute as written by Congress did not intend or delegate any authority to the Secretary to place lands into federal territorial trust status in a Commonwealth that is one of the original 13 colonies with preemptive sovereign authority over all of the lands within its boundaries.

Every citizen currently living in the Commonwealth is under the civil, criminal, and taxing authority of the state, regardless of race, ethnicity, creed, religion, or sex. This has been in place since the Indian population of the Commonwealth was made citizens, and 82 years before they were made full citizens of the United States in 1924. The Mashpee Indians have been assimilated into the mainstream of American citizenship since 1842 when the land designated for the "Praying Town" was divided in severalty, each Indian family being given 60 acres of land in Mashpee. There has never been any federal public domain land or federal reservation land in the Commonwealth. The Aquinnah Wampanoags of Martha's Vineyard were recognized in 1987 and have no Federal reservation.

History revised to fit application

The Mashpee did not meet the Pilgrims. This is a revisionist history created by the tribe in their application for recognition. The Mashpee tribe is a polyglot of eastern Massachusetts Indians, who were grouped together on Cape Cod after their tribes were literally wiped out by the smallpox epidemic prior to the arrival of the Pilgrims. In 1675, the Wampanoag tribes under the leadership of Massasoit's son, King Philip, attacked the colony settlements from Connecticut to Maine. It was one of the bloodiest and most costly wars in American history. The Mashpee and other Indians of Cape Cod opposed the Wampanoag tribes (to whom they now claim to be related) and fought on the side of the colonists.

The various Indian settlements on Cape Cod were organized by Richard Bourne in 1660 as a "praying town" in Mashpee. The tribe has no historical, cultural, governmental, or geographic ties to the land in Middleboro. No current tribal members reside in the Town of Middleboro, and only 88 of the 1500 members are listed as living in Plymouth County.

Reservation shopping

According to the information that the tribe has provided in their application, the lands in Mashpee are unsuitable for gaming. The application by the tribe cites infrastructure deficiencies, environmental concerns, and lack of a large enough land base for building a casino in Mashpee or anywhere else on Cape Cod. Based on the information provided, the tribe is making a very good case for "Reservation Shopping." The tribe also talks about the gaming revenue being

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Mashpee Land, from page 5

beneficial to the historic and cultural sites in Mashpee, but gives no mention to any historical or cultural sites being preserved in Middleboro.

From their website, "…Since that historic period the Mashpee Wampanoag have proudly served their tribal community and their fellow citizens in the town of Mashpee, the Commonwealth of Massachusetts and the United States of America as neighbors and friends." The Mashpee Wampanoag Tribal Council Inc. of Massachusetts has lived in the same area of Cape Cod for hundreds of years. Middleboro is in Plymouth County not on Cape Cod.

At the recent BIA hearing in Middleboro, Sachem Gill Solomon of the Massachuset tribe clearly stated that the land around Middleboro was the homeland of his tribe and not of the Mashpees or Wampanoags.

Citizens organize, take on Federal Indian Policy

The 17 communities in Plymouth County surrounding the Middleboro Township have organized a task force of selectman from each town, to oppose the "land into trust" process. The people of Middleboro have formed an opposition organization (casinofacts.org) and have been actively providing the community with facts concerning the proposed casino. Several dedicated, devoted, key individuals have educated themselves on Federal Indian Policy and are continuously sharing that information with the citizens of Middleboro through letters to the editor of local newspapers, radio and television appearances and excellent, well-researched information is presented on a daily basis through the casino facts web site courtesy of their highly regarded bloggers.

Governor Deval Patrick's administration has sent a 125-page letter asking the Dept. of the Interior to deny the land- into-trust application. The administration based its arguments on jurisdiction, saying that trust status would deny the state any control over myriad issues including environmental concerns, zoning, traffic, and public safety. Attorney General Martha Coakley has joined 15 other states in support of Carcieri v Kempthorne. This case is pending before the Supreme Court and will be heard October 2008.

Eighty percent of the comments at the BIA hearing were in opposition to the Class II casino project. Also submitting letters of objection: Massachusetts Audubon Society, League of Woman Voters, and Carver Conservation Commission, Taunton River Watershed Campaign, Massachusetts Division of Fisheries and Wildlife, Regional Task Force on Casino Impacts, Casino Free Massachusetts**,** Southeastern Regional Planning & Economic Development District of Massachusetts*,* Town of Plympton, and Town of Halifax.

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lands purchased in fee by the Oneida Tribe of Indians of Wisconsin, in accordance with Wisconsin law, unless and until the Tribe's application to place such land in trust pursuant to 25 U.S.C. § 465 is granted."

The Oneida Tribe of Indians did not appeal Judge Griesbach's ruling. The Village and the tribe now have clarification that the tribal government controls its trust land, and fee land within the municipal boundary is under the regulatory authority of the Village, including fee land owned by the tribal government or individual tribal members. This does not stop the tribe's land acquisition campaign to overtake and economically undermine the local general-purpose government. It does, however, provide some temporary relief that allows the Village to find alternative sources of revenue to sustain itself in the future, and to defend itself against ongoing opposition and obstruction from its neighbor.

To its credit, and in spite of substantial litigation expenses, the Village of Hobart has managed its municipal budget over the years in a manner that qualifies the Village for the unusual status of a Standard and Poor's A+ rating. The elected Board of Trustees and small but dedicated and enduring staff at the Village deserve high accolades for using limited resources strategically to defend itself against the OTI's enormous funds and political clout that places public services and quality of life in a wonderful community, always in its crosshairs.

Elaine Willman,
Village Administrator,
Village of Hobart, WI
Member, CERA Board of Directors

Elaine Willman is author of ***Going To Pieces…the dismantling of the United States of America.*** *The 300-page book captures the voices of tribal members, farmers, bankers, sheriffs, and teachers—living within or near 17 different Indian reservations from Washington State to New York State.*

This is a stark and frank reality check of the flaws of federal Indian policy and its affect on tribal members as well as other American citizens caught in the severe jurisdictional struggles now escalating as tribalism is rapidly overwhelming the local governments that we elect.

For a copy of the book send an email request to: toppin@aol.com

Senators: Defend the rights of Hawaiians! Vote NO on the Akaka bill

"... the Akaka Bill ... would undo over 200 years of integration in Hawaii and replace it with apartheid."

Dear Senator,

I strongly implore you to vote against the upcoming Akaka Bill. As a native of the Hawaiian islands with ancestry going back over 100 years, who is a product of the multi-cultural and multi-racial melting pot of Hawaii, I beg you not to separate my people by blood.

Although the Akaka Bill supporters wish you to believe that there was once a native Hawaiian only Kingdom, and that it was usurped by the United States unfairly, this fiction could not be farther from the truth. The Kingdom of Hawaii was created by a multi-ethnic team, including Kamehameha the Great, his son-in-law and former British sailor John Young, botanist Spaniard Don Marin, and a host of others. The first constitution of the Hawaiian Kingdom in 1840 nobly declared that all people were "of one blood." It enshrined civil rights over 100 years before the United States' civil rights movement led by Dr. King. And the only participation the United States had during the 1893 Hawaiian Revolution was the landing of 162 peacekeepers who remained strictly neutral in the conflict.

The Akaka Bill promises to separate the people of my homeland by race, when today they are intermixed as thoroughly as any population has ever been. The Akaka Bill promises to elevate one set of cousins over another, pitting brother against brother. And the Akaka Bill promises to allow a tiny native Hawaiian elite to define and decide who is allowed in their new government, and who is not. Much like the current Cherokee Freedmen debacle where an ethnic Cherokee elite is trying to disenfranchise other tribal members solely on race, the Akaka Bill gives no constitutional guarantees to those who may be placed under this new native Hawaiian government. These new Akaka Tribe leaders will have the power to decide who is and who is not native Hawaiian enough to be in their tribe, regardless of how much native Hawaiian ancestry they may have. Other Native American tribes already suffer from this kind of despotism, and the Akaka Bill promises to bring that to Hawaii.

Ethnic nationalism is never moral, and it pains me to see good senators misled by native Hawaiian victimhood activists, who would undo over 200 years of integration in Hawaii and replace it with apartheid.

Please, vote no on the Akaka Bill, and withdraw your sponsorship for this bill, which promises to be so painful to my people.

Mahalo,
Jere Krischel
La Canada, California

"Rights are inherent for all people by virtue of their humanity, not by virtue of their ancestry or nationality."

Dear Senator,

I am a Hawaiian American and I oppose the Akaka Bill, and while I do not tout the Bible, Jesus Christ said it best when he said that no man can have two masters. The insistence of our senators and representatives that Hawaiians need federal recognition is a misconception. Recognition will be for the governing entity as quasi-sovereign. Native Hawaiians who will fall under the jurisdiction of a Hawaiian government with tribal status will lose recognition as citizens having equal protection under the law; their rights will no longer be recognized by the federal government as declared in the U.S. Constitution and Bill of Rights. As it stands, the Federal government recognizes Native Hawaiians.

The federal government does not recognize Native American Indians and Native Alaskans, who are enrolled tribal members, as individuals. It is the tribal governments with all the land, power, and wealth who are federally recognized as the sovereigns. Enrolled tribal members fall under tribal government jurisdiction and ambiguous tribal laws. As an example, thousands of Native American Indians have been disenrolled from their tribes and evicted from tribal lands. Those people will never have their day in court.

The Akaka Bill proposes that Hawaiians will fall under a federal policy, which imitates Federal Indian Policy. Federal Indian Policy promotes tribalism and protects tribal governments - not individual American Indian citizens. American Indian citizens are at the mercy of their tribes. The Akaka bill purports to restore rights somehow perceived to have been lost by Native Hawaiians. The individual rights of all subjects regardless of race were recognized under the first constitution of the Hawaiian Kingdom and that did not change after the Overthrow, Annexation, and Statehood to the present.

Thoreau wrote in Civil Disobedience "That government is best which governs least." Adding another layer of government will only intrude in people's lives. Rights are inherent for all people by virtue of their humanity, not by virtue of their ancestry or nationality. The Bill of Rights does not grant rights; it clearly states what actions the United States government cannot take and was written to protect the rights of all the people. What the Akaka bill proposes would infringe upon people's rights including those whom it pretends to benefit.

Very truly yours,
Kaleihanamau Johnson
Aiea, Hawaii

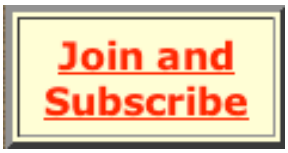
Citizens Equal Rights Alliance, Inc
P.O. Box 0379
Gresham, WI 54128

Help CERA get the word out!
Send us your email address

Expand your network. Get more timely information.
Then help expand CERA's coalition by forwarding our updates, alerts, and newsletters.

- Log onto www.citizensalliance.org
- Click on "Email Us." Enter "Subscribe" in the subject line and click send
- Explore a wealth of resources at the website
- Then click on "Join and Subscribe" and check out the options

CERF and CERA's Mission:
Federal Indian Policy is unaccountable, destructive, racist and unconstitutional. It is therefore CERA's mission to ensure the equal protection of the law as guaranteed to all citizens by the Constitution of the United States of America



When you support CERF and CREA you can:

- Educate local, state, and federal officials about the negative impact of federal Indian policy
- Bring national media to attention to these issues
- Support the filing of suits or amicus briefs in federal court
- Support community organizing by citizens facing federal Indian policy's impact on their community
- Expand CERA's coalition through direct mailing of our CERA Journal

Working together we can multiply our strengths to ensure equal protection of the law for all citizens!