

Borderlands Bulletin

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Anti-Indian to the Core: The Citizens Equal Rights Alliance and Citizens Equal Rights Foundation

The Citizens Equal Rights Alliance (CERA) and Citizens Equal Rights Foundation (CERF) have announced events to be held in Riverton, Wyoming from June 13-15. Through these events, these groups are seeking to advance an anti-Indian agenda by exploiting tensions and misunderstandings that developed following the Environmental Protection Agency's December 2013 decision approving the Treatment as a State under the Clean Air Act for the Northern Arapaho and Eastern Shoshone Tribes of the Wind River Indian Reservation. The EPA decision authorized the tribes to seek air quality-related grants and to be notified of, and allowed to comment on, actions potentially impacting air quality on the reservation. In February 2014 the EPA decided to administratively stay, in part, its decision in response to requests from the State of Wyoming and the affected tribes.

These closely-linked organizations are the largest anti-Indian groups currently active in the United States. CERA, a Gresham, Wisconsin-based 501(c) 4 non-profit, emerged in the late 1980s as an umbrella for anti-Indian organizing around the country. CERA later created CERF, a 501(c) 3 non-profit. While CERA claims that the groups' mission is to "protect and support the constitutional rights of all people, both Indian and non-Indian," nothing could be further from the truth.

CERA and CERF promote the outright termination of Indian tribal governments and the abrogation of treaties signed between Indian Nations and the United States. Tribal sovereignty originates in eons of self-governance by tribal nations that preceded the formation of the United States. While it did not create tribal sovereignty, the United States government has recognized the independent political authority – or sovereignty - of Indian Nations for over 200 years. The Commerce Clause of the U.S. Constitution (Article I, Section 8, Clause 3) recognizes tribes as sovereign nations by using the same language to describe Indian Tribes and foreign nations. As early as 1832 the United States Supreme Court wrote that "The Indian nations had always been considered as distinct, independent political communities retaining their original natural rights as undisputed possessors of the soil, from time immemorial" (*Worcester v. Georgia*).

The U.S. Constitution empowers the President, with the advice and consent of the U.S. Senate, to enter into treaties with other nations, including Indian Nations. Article VI of the Constitution states that “all treaties made...under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby.” In 1979 the Supreme Court again affirmed tribal sovereignty and treaty rights by stating that, “A treaty, including one between the United States and an Indian tribe, is essentially a contract between two sovereign nations.” (*Washington v. Wash. State Commercial Passenger Fishing Vessel Association*)

Despite the clear recognition of tribal sovereignty and treaty rights under the U.S. Constitution, CERA/CERF leaders work to terminate Indian tribal governments and break treaties signed between the United States and tribes. In pursuit of these goals, CERA/CERF leaders promote misinformation about inherent tribal rights; espouse far right conspiracy theories that promote bigotry against Indian people; and call for mean-spirited attacks on tribal communities. In the end, CERA/CERF’s anti-Indianism threatens not only tribal communities, but is an affront to the United States Constitution.

In their quest to end tribal political rights, CERA/CERF leaders regularly distort historical and legal facts about tribal sovereignty and treaty rights. The following words from leaders of these anti-Indian organizations make this clear.

CERA and CERF Distort the Facts About Tribal Sovereignty:

Despite the United States government’s long-standing recognition of tribal political authority, CERA/CERF leaders routinely distort facts about this inherent tribal right:

- Elaine Willman, the contact for the meetings in Riverton and a CERA Board Member, falsely wrote of tribal sovereignty, “The tiresome myth that inherent tribal sovereignty is pre-Constitutional needs a little sunshine. This misplaced theory has unfortunately succeeded a bit too often. It’s my belief that anything ‘pre-Constitutional’ in this country was in fact, nullified by the U.S. Constitution.”¹ Willman is currently Director of the Department of Tribal Affairs for the Village of Hobart, Wisconsin. Hobart has engaged in several lawsuits aimed at undermining Oneida Nation sovereignty.
- At an April 6, 2013 CERA/CERF conference in Bellingham, Washington, the group’s legal counsel, Lana Marcussen, erroneously declared that “[T]ribal sovereignty is really a major legal fiction that has been created by the United States government.”²
- CERF Board Member Darrel Smith has distorted the clear Constitutional support for tribal sovereignty by writing that, “Federal Indian policy, modern tribal governments and the concept of sovereignty violate the most basic principles of the American Revolution...Indian policy and law defies the democratic principles of liberty and equality by giving Indians as a group political sovereignty...To allow Indians as a group to practice political sovereignty as a general government ruling non-Indians or a geographical territory is wrong.”³

CERA Distorts the Facts About Tribal Treaty Rights:

Despite the repeated recognition of tribal treaty rights by the U.S. Supreme Court, CERA leader Elaine Willman has falsely stated that, “State Enabling Acts are acts of Congress that preserve the sovereignty of state resources, and supersede Indian treaties; but Northwestern States utterly ignore this fact, as well as the fact that all American Indians have been citizens since 1924, and the federal government should no longer be honoring treaties with its own citizens.”⁴

The Enabling Acts (authorizing the creation of states under the U.S. Constitution) and 1924 Indian Citizenship Act (making all Indian people U.S. citizens) had no effect on tribal treaty rights. These rights are based on the long-recognized political status of tribes and the treaty-making powers of the U.S. President and Senate under the Constitution.

CERA Espouses Far Right Conspiracy Theories that Promote Bigotry Against Indian People:

At an April 6, 2013 CERA/CERF conference in Bellingham, Washington, CERA leader Elaine Willman wildly proclaimed that “twenty-nine tribal governments that serve about 75,000 enrolled tribal members...have hijacked Washington State...These twenty-nine tribes are literally consuming and overpowering and now controlling that fixed land base of Washington State.” Even more offensively, Willman declared that,

“The real Trail of Tears here for Washington state, is Governor [Mike] Lowery, Governor [Gary] Locke, Governor [Christine] Gregoire, and now Governor [Jay] Inslee. That is the real Trail of Tears... They have placed Washington State sovereignty subservient to the sovereignty of twenty-nine tribes here.”⁵

The Trail of Tears refers to the forced removal of the Cherokee Nation from their homelands in Georgia and North Carolina to Oklahoma in 1838 and 1839. Some 4,000 tribal members died as they were forcibly marched during winter conditions. Many other tribes were forcibly removed during this period, which extended into the late 19th century.

CERA/CERF Promote Mean-Spirited Attacks on Constitutionally-protected Tribal Rights:

Befitting these groups’ distortion of basic facts about tribes, speakers at CERA/CERF events have called for mean-spirited attacks on Constitutionally-protected tribal rights. Referring to anti-tribal ideas that exist in U.S. law, Philip Brendale, an enrolled Cowlitz tribal member and longtime CERA ally, stated at the April 6, 2013 CERA/CERF conference in Washington State that,

“We have at our disposal what we need - the weapon, the means, the opportunity and the financial support to take these tribes down. What do we get for our trouble: the opportunity to strike a most devastating psychological blow to Northwest tribes’ pride and their sense of well-being.”⁶

The ideas and actions promoted by CERA/CERF can only cause misunderstanding and division in the community. CERA/CERF attempt to advance their anti-Indian goals by organizing community members and public officials to oppose tribes, and by attempting to generate anti-Indian litigation aimed at undermining inherent tribal rights. CERA/CERF’s effort to kick-start a campaign against the Northern Arapaho and Eastern Shoshone Tribes of the Wind River Indian Reservation is also an attempt to undermine commitments made in the U.S. Constitution to respect the sovereignty of tribes. By undermining tribal rights to protect air quality for the reservation community, CERA/CERF would also undermine the right to a healthy environment for native and non-native community members alike.

¹ Willman Elaine, Executive Director, Citizens Standup! Committee. Reply to Tom Wanamaker. <http://www.parr1.com/ElaineWillman/Coming%20Out%20of%20the%20political%20fog>

² Tanner, Charles Jr. “Take these Tribes Down”: The Anti-Indian Movement Comes to Washington State.” Institute for Research and Education on Human Rights. <http://www.irehr.org/issue-areas/treaty-rights-and-tribal-sovereignty/item/478-take-these-tribes-down#s-four>.

³ Smith, Darrel. Starter Kit on Sovereignty. Citizens Equal Rights Alliance.

⁴ Willman, Elaine. 2006 Northwest Federal Indian Policy Issues! Findings of Regional Gathering of Community Education Group Leaders Held in Marysville, WA on 03/25/06.

⁵ Tanner, Charles Jr. “Take these Tribes Down”: The Anti-Indian Movement Comes to Washington State.” Institute for Research and Education on Human Rights. <http://www.irehr.org/issue-areas/treaty-rights-and-tribal-sovereignty/item/478-take-these-tribes-down#s-four>.

⁶ Tanner, Charles Jr. “Take these Tribes Down”: The Anti-Indian Movement Comes to Washington State.” Institute for Research and Education on Human Rights. <http://www.irehr.org/issue-areas/treaty-rights-and-tribal-sovereignty/item/478-take-these-tribes-down#s-four>.