

The anti-Indian movement

By Robert Crawford

In the years since the 1994 Republican revolution, a flurry of anti-Indian legislation has descended from Congress. This spring, Sen. Slade Gorton (R-WA), led an all-out attack on tribal sovereignty by proposing a bill in the U.S. Senate that would have overturned tribal sovereign immunity. Sovereign immunity is granted to most governmental bodies (tribal and non-tribal) and provides protection from lawsuits by individuals. Gorton has been joined in his efforts by Sen. Conrad Burns (R-MT) and Rep. Jack Metcalf (R-WA).

Gorton is a longtime foe of tribal rights dating back to his stint as Attorney General for Washington State during the Boldt decision in 1974. The Boldt decision, handed down by Federal Judge George Boldt and later upheld by the US Supreme Court, equally divided the salmon and steelhead catch in the Puget Sound between native and non-native fishermen. Gorton had argued against the tribes.

Gorton's most recent attack on treaty rights in the U.S. Senate has spawned activity at state and local level. A coalition of city and county officials in central Idaho have mobilized to overturn Nez Perce jurisdiction over treaty-protected lands, and a bill introduced in the Idaho legislature would have required tribal members to pay taxes on sales to non-members on reservation. In Washington State, legislators and county commissioners have likewise launched campaigns against tribal jurisdiction.

These recent attacks signal the mainstreaming of the anti-Indian movement. In the 1980s, Jack Metcalf's United Property Owners of Washington (formerly the Salmon/Steelhead Preservation Action for Washington Now) unsuccessfully lobbied for a congressional commission to study the effects of federal Indian Policies on non-tribal Indian and non-Indian citizens of the United States. Today, anti-Indian leaders like Metcalf are in Congress and opponents of treaty rights need only mobilize support for their legislative initiatives. The New Mexico-based Citizens Equal



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Racism: The primary motive in anti-Indian organizing

Rights Alliance (CERA) and opponents of tribal hunting rights in Washington state mobilized support for Gorton's Senate attack on tribal sovereignty. (Fortunately, Gorton's bill never made it to the Senate floor, due in part to a strong grassroots opposition from tribal government and members, as well as non-Indian supporters.)

While the center of anti-Indian politics has shifted to Congress, the political alliances and ideas of the organized anti-Indian movement remain largely the same. An appearance by leaders of CERA at the Alliance for America's June 1998 "Fly-In for Freedom" in Washington D.C. demonstrates the anti-Indian movement's continued alliance with so-called "wise use" groups. Like CERA, the Alliance for America – a property rights "coalition" dominated by timber, mining and cattle trade associations – is committed to gaining cheap access to property and resources for its largely white constituency.

Goals of the anti-Indian movement

As with most anti-Indian groups of recent origin, CERA touts its dedication to "equal rights for all." Its actual goals include two aims common to many current anti-Indian organizations. First, CERA seeks to end the jurisdiction of tribal governments over Indian country. Second, it seeks to end treaty-protected off-reservation rights of Indians to certain resources. Speaking of Wisconsin, CERA's Darrel Smith has said, "Transfer of natural resources [by respecting treaty rights] has destroyed the economy in whole sections of the state." This sentiment has become a tenet of the

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The opposition Reform Party in Canada proposes eventually cutting all federal funds to Indian bands and eliminating the tax exemption for aboriginal people.

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Smith's attack on Indian sovereignty easily folds into opposition to affirmative action. "Under their [Indians'] 'individual citizen' status, members of federally recognized tribes claim all the rights of citizenship and more," Smith writes. "They claim, and fully exercise, the right to vote in local, state, and federal elections...They are classified as members of a 'racial minority,' eligible for any number of hiring, contracting and admissions preferences...In a country where 'all men are created equal,' Indians apparently are 'more equal' and merit special consideration."

At the core of Smith's aims, however, are the outright end of tribal sovereignty and the coerced assimilation of Indian people into U.S. society. Smith is on record praising the 1887 Allotment Act, which was described in the Congressional Record as aimed at the breaking up, as rapidly as possible, of all tribal organizations. Smith concludes that, "Immigrants from all over the world have successfully assimilated into American society...Congress [in the Allotment Act] obviously intended the Indians would also become citizens of the United States indistinguishable from any others."

Northwest anti-Indian organizations

While dedicated to attacking tribal sovereignty in its entirety, the Northwest's two leading anti-Indian organizations, the North Central Idaho Jurisdictional Alliance (NCIJA) and Jack Metcalf's United Property Owners of Washington (UPOW) focus their attention on the two more limited goals outlined by CERA. In central Idaho, NCIJA seeks to overturn Nez Perce jurisdiction over tribal land. NCIJA also attacked a Nez Perce program requiring that businesses operating on the reservation employ tribal members, and the group supported Rep. Ernest Istook's (R-OK) bill to press tribes into paying state and local taxes. Most disturbing about the NCIJA, however, is that the group consists of representatives of central Idaho county commissions, city councils, school districts and highway districts.

In Washington, UPOW has for years led a campaign against the treaty-protected off-reservation resource rights of tribes. The group seeks to overturn the Boldt decision which upheld the rights of Washington tribes to fish

in their "usual and accustomed" places "in common" with non-Indians. When the decision was extended to include shellfish, UPOW took on that issue as well, employing former Washington state assistant attorney general James Johnson to represent that case in federal court. And in a move that reflects the rise in fortunes of anti-Indian groups, longtime UPOW activist Fairalee Markusen now staffs the office of U.S. Rep. Jack Metcalf (R-WA).

Metcalf has done as much as any Northwest figure to take anti-Indian politics into the halls of Congress. For nearly two decades, the former state legislator has battled treaty rights, and he fronts for the far right on other issues as well. While a state legislator, Metcalf distributed the anti-Semitic tabloid *The National Educator*, stumped at white supremacist meetings, and sponsored a Senate Joint Memorial calling for Congress to "abrogate all existing treaties and...return control of fisheries to the states." In Congress he has sponsored legislation to make the process by which tribes petition for federal recognition more difficult and led a crusade against the treaty-protected whaling rights of the Makah Nation. Metcalf also opposes affirmative action and co-sponsored a bill to overturn the 14th Amendment citizenship rights of children born in the U.S. to undocumented immigrants.

Anti-Indian politics in the 1990s have surged along with attacks on immigrant's rights and affirmative action. Anti-Indian legislators like Jack Metcalf have gained ground in Congress in their quest to overturn the gains of the civil rights era in Indian sovereignty and immigrants' rights. As supporters of civil and human rights, we must stand together against those who would tear up treaties signed with Indian nations.



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Anti-Indian protesters

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