



CERF/CERA REPORT



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We need your support!

*“A lie doesn't become truth,
wrong doesn't become right,
and evil doesn't become good,
just because it's accepted by a
majority.”*

Booker T. Washington

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An Excerpt

from *the Pendulum...from Indian Removal to buying Mille Lacs* written by Clare Fitz of Minnesota and available at Barnes & Noble or Amazon

...let's look back over what we have learned: The 1452 order of Pope Nicholas V authorizing Christian nations to take ownership of any lands they discovered and the desire of the monarchs of Europe to more power, which translated into more land and people (subjects) and the desire on the part of these people (subjects) for religious and economic freedom. This resulted in those courageous pioneers embarking on unknown journeys across an often unrelenting and merciless ocean in search of a better life for themselves and their families. What they found upon arrival was a land already populated. Sparsely, yes, but populated. And even though sparsely populated, the natives far outnumbered the pioneers, putting the pioneers in a perilous position in the event of conflict. How were these pioneers to know how many natives were out there? They had no idea how far the land extended to the west until Lewis and Clark made their expedition to the Pacific Ocean.

The European nations had decided that, from their perspective, any land claimed by the explorer nations would then belong to that nation. England and France established most of the colonies in North America, but the original thirteen colonies were British. England crafted a policy of making treaties with the natives in which the British acquired land, and, following the Revolutionary War and the establishment of the United States of America, the treaty-making process was inherited by the new nation.

There is little or no doubt that the societies of Europe were more advanced in what we term 'civilization' than the societies then inhabiting what would become the United States of America. Was one better than the other?

Debatable. But what is clear is that the system that England – and eventually the colonies followed by the United States government – were using to acquire land was not well understood by the natives. That, combined with the language barrier, made it easy for the natives to be misled, especially in the beginning. And natives were no different than other populations in their desire to have new possessions in order to make life easier or to give them an advantage. And so, they willingly bartered with the colonial traders for things in exchange for the beaver hides that were in high demand in Europe.

As settlements pushed further and further west, the wilderness that had provided livelihood for the natives became more and more scarce. Many such factors played a part in putting the natives at a disadvantage in the negotiations for land. While I am not saying that all treaties were fraudulent, some clearly were. There were honest negotiators on both sides and there were fraudulent negotiators on both sides.

In Volume I “...and the Mille Lacs who have no reservation...” we learned how the Chippewa tribe migrated westward, eventually reaching what would become the State of Minnesota. When they reached Sioux territory, they encountered resistance to their westward occupation of the land. But by the mid 1700’s they were able to defeat the Sioux who were in occupation of the area around the southern shore of Lake Mille Lacs and drive them further south. As the white settlers moved westward, at first primarily interested in the timber for the lumber industry, the settlers encountered the resistance of the Chippewa. Much of Volume I deals with those encounters.

And thus, over many years, the entire nation would come under the control of the United States of America with the Indians being relegated to reservations.

What are these things called reservations? We won’t deal here with the reasons for, or wisdom of relegating the natives to specific areas. However, we do need to be mindful that these were very different times than the times we experience today. While television pundits we listen to talk today about the prevalence of racism, erroneously – I would contend – there was indeed real racism during the settlement of our country. Some is easy to understand because the settlers were, so to speak, invading and acquiring the land that the natives considered to be theirs. Casualties on both sides were common; death breeds fear,

and fear breeds racism. Yet simple decency prevailed, prevented the now dominant society from completely exterminating the natives, at least in most cases. And so, natives were placed on reservations where they would be out of the way of settlement.

Suffice it to say that by the luck of location, some reservations have become economic goldmines and some have become centers of economic despair. But regardless of how economically successful the tribal industry is, the Indian people are suffering. Why? Even as far back as Plato and Aristotle, opinions varied in regard to the virtues of ownership of property, and this argument continues to today. The writings of the founders of our country and the Constitution, the framework for our country’s government, were based on private ownership of property. The conception that one’s private property is the result of one’s manual and intellectual labor, and that private property creates freedom, and with it comes the promise of the opportunity of realizing the ‘American Dream.’ Private property is the very basis for achieving the ‘American Dream’, which can be defined as providing for one’s family in such a way that it will leave the next generation with the opportunity to realize a better life.

Ownership of property and consequently, a chance at realizing the ‘American Dream’ is denied the residents of Indian reservations. How did that happen? As we said previously, Indians are placed on reservations in order to get them out of the way of settlement. But confined to a reservation, Indians had little chance of provided for the needs of themselves and their families. They were made wards of the federal government; the government would provide for all their needs for food, housing, schools, medical care and necessities.

In 1887 and 1889 the federal government reied to correct that situation with the Dawes Act, and in the case of Minnesota, the Nelson Act, which. If it had been successful, would have made all reservations private property. But as so often happens, those bills were not well thought out and resulted in Indians losing control of a large amount of their land.

Then came John Collier, a complicated man who would cause great harm while at the same time doing great good. Collier, as we have learned, did not believe in free enterprise or private ownership of property, as a result of the tragic events that destroyed his family in his early life. As he matured, he studied the

socialist and communist philosophy's and became an advocate of socialism. His early career involved him in community organizing, causing him to clash with the dominant capitalist class. It is interesting that in his early life he would disappear into the wilderness and live off the land for months at a time, reminiscent, I would contend, of the life of the natives in earlier times.

Collier, I believe, was, above other things, an anthropologist. He was in his glory when he could study societies, especially native societies. He became enamored of the Pueblos during his visit to the Taos Pueblo. During his early days as Commissioner of Indian Affairs he had set in motion a study of Indian cultures and had scientists involved in the study when it was then brought to an end by the bombing of Pearl Harbor and that resulting in the United States entering World War II. And then when Collier was put in charge of the Japanese internment camp in Arizona, he had scientists studying the effects of internment on the Japanese and had hoped to be in charge of the resettlement so he could bring the study to its conclusion, but he was denied that opportunity.

John Collier was the primary author of the Indian Reorganization Act that Congress passed in 1934. The beneficial element of that act was the ending of the federal government's role in deciding who was competent to take ownership in fee of their allotment land, which usually meant an immediate sale of that land to a non-Indian. That system had resulted in massive amounts of Indian land being sold to non-Indians. Perhaps just as important was the system for ending the inheritance plan that was administered by the federal government and had resulted in tiny plots of land that were too small to be beneficial, and all administered by the federal government, at great cost to the taxpayers.

But making Indians wards of the federal government *in perpetuity* and causing all reservation land to be owned by the federal government in trust for the use of the Indians were two horrendous inclusions in the Indian Reorganization Act. Why? Because by so doing, all Indians to this day are wards of the federal government, deemed too incompetent to take charge of their own affairs; a very demeaning condition. And further, by making Indian land inalienable it deprives the Indian of the opportunity to mortgage that property in order to raise the funds necessary to start a business. All these conditions solidify the Indian

wardship status and limit opportunity, leaving reservation Indians living mainly on government dole. No man or woman will work if their livelihood is simply handed to them. The result, I am firmly convinced, is idleness and loss of incentive, resulting in the alcoholism, drug addiction and crime that runs rampant on Indian reservations.

It is now 2020 as I complete this volume, and more than 85 years since John Collier convinced Congress that his plan, called the Indian Reorganization Act, would create a utopia for the Indians – a utopia that would soon be copied by non-Indians as well. This was the progressivism of Theodore Roosevelt and Woodrow Wilson, brought to fruition by the influence of the Progressive Republican John Collier and accepted with minimal opposition under the FDR administration's New Deal – moving further and further away from the separation of powers envisioned by the Founders when they drafted the United States Constitution. The United States was originally founded on the principles of capitalism, and that remains the dominant system in the United States today, except on Indian reservations which remain pockets of communalism.

Supreme Court Justice Clarence Thomas has written that Federal Indian Policy is schizophrenic. He is absolutely right! On the one hand, Indians are citizens of the United States by the Act of 1924, with all the rights and responsibilities of citizenship, yet they are still wards of the federal government, not covered by the United States Constitution, and exempt from taxation because the federal government owns their land. Does this not seem incompatible?

In Chapter 11 we listed the many businesses owned and operated by the Mille Lacs Band of Chippewa. At least in this example it seems incomprehensible that this degree of success can be accomplished by a group of people who are deemed too incompetent to manage their own affairs and therefore must be wards of the federal government. Many of these businesses are located on land owned by the federal government, thereby making the land non-taxable and giving that business an unfair advantage over privately owned businesses. Schizophrenic?

The bottom line, in my opinion, is that people are people. Indians are people. Non-Indians are people. Neither is superior or inferior to the other. So why

does our federal government insist on separating the two? Why do we have the Bureau of Indian Affairs? Why do we not have a Bureau of German Affairs? Or English Affairs? Or Italian Affairs? And on and on? We can all study history, and some can rewrite history, but history is history – it is fact. It is what it is.

Can we not look to the future? Can we not come up with a plan to correct this travesty?

Let us first look to what I would call the mission statement of the United States of America “... *We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of happiness – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed ...*”

I started this epilogue with words from the preamble to the Constitution, “*We the People of the United States, in Order to form a more perfect Union ...*”

These profound words by our Founders have, in large part, been lost along the way, with “*We the People*” being squeezed out of the picture by a Congress that is shirking its duty. A Congress that is adopting – not officially but in practice – a “living constitution”, instead of honoring the Constitution created in 1787. By delegating powers that, if they were following the Constitution, should be performed by the Congress, and therefore accountable to the people through elections, Congress has abdicated their duties to unelected bureaucracies made up of career bureaucrats that are accountable to no one. The result is that the separation of powers has been lost, and with that the protection against tyranny.

The Bureau of Indian Affairs, for example, has been given the power to make laws (regulations) which is constitutionally only legislative function. The Bureau enforces those laws (regulations) – an executive function. This is exactly what James Madison feared and wrote about in Federalist No. 48 on February 1, 1788: “No political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty than that on which the objection is founded. The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny,”

We don’t have to reinvent the wheel to correct this travesty. President Abraham Lincoln has given us a road map. I certainly hope that we, as a country, have matured since the days of the writing of the Constitution and the necessity of compromising to allow slavery to continue in order to get all the original thirteen states to agree to the Constitution and the forming of the Union. If those states which opposed slavery had not compromised, our Union may not have resulted, and who knows what would have ensued. And I hope that we have moved on from Judge Roger Taney’s ruling that Indians were not yet civilized enough to be full citizens, although he envisioned that occurring sometime in the future. As I commented earlier, pundits like to talk about racism, but while racism does exist, it is miniscule compared to that of the time of the founding of our country, or even still in the times of John Collier.

The first step in correcting these injustices, in my opinion (and since Congress seems to be impotent) is for the President to issue an Executive Order freeing the Indian people from the wardship of the federal government and bringing them into the full status of citizens, as President Lincoln did for the negroes.

And following that, we must have an organized effort to reorganize or eliminate that portion of the government involved with federal Indian policy since it would no longer have a needed function.

The Indian wars are over. There is no longer any reason to have *Indian Country*, the original definition of which was those areas where conflicts with Indians (Indian wars) were still occurring. It is absurd that an entire class of people is deemed incompetent to manage their own affairs, given current conditions. And yes, provisions should be made to help those who cannot help themselves (true wards) for all citizens, without giving preference simply because of a particular racial classification.

If Indians are no longer wards of the federal government, then there would be no reason (except that it has been done that way for 85 years) for the federal government to own the lands that comprise Indian reservations and other trust land areas. And just imagine how much money could be saved by eliminating duplication of services; money that could be redirected to areas of real need. Once Indian wardship is terminated, the Indians would become full citizens of the United States with all the privileges and

obligations of the United States Constitution. That would bring them under the influence of the fourteenth amendment of that Constitution.

With the fourteenth amendment in full force there would be no need for a Bureau of Indian Affairs. That would require amending the Indian Reorganization Act or, even better, replacing the Indian Reorganization Act with a new act that does not pit race against race. Perhaps by so doing we could get closer to the utopia that John Collier envisioned, not as a communal society that he sought but instead as a capitalist society, the blueprint of which can be found in the Constitution of the United States of America.

There is more to our nation's history that has occurred, and will occur, and more books to be written. As I conclude this epilogue, and with it complete Volume II, this thought is in my head. Will I write Volume III? I don't know. The Indian Reorganization Act and I are essentially the same age. It is inevitable that I will depart this world at some point; will the Indian Reorganization Act as well?

Can we please, sometime in the near future, become the "one nation, indivisible" that we profess to be? It is time for the Federal Government to get out of the Indian business! I pray that it will happen.

Another Excerpt from the Same Book

2020 – Mille Lacs Band owns these Businesses

[From a Mille Lacs Band of Ojibway brochure entitled "The Non-Removable Mille Lacs Band of Ojibwe. A thriving tribal culture in East Central Minnesota]

Grand Casino Mille Lacs with adjoining hotel and convention center and several restaurants

Grand Casino Hinckley with three hotels, RV resort, restaurants, spa, golf course and convention center

Woodlands National Bank with branches in Hinckley, Sturgeon Lake, Zimmerman, Minneapolis, Cloquet and Grand Market

East Lake Convenience Store, McGregor

Grand Market, Onamia

Grindstone Laundry, Hinckley

Grand National Golf Course, Hinckley

Grand Makwa Cinema, Onamia

Hinckley Medical Office, Hinckley

Doubletree by Hilton & Rival House Sporting Parlour Restaurant, St Paul

Doubletree by Hilton Minneapolis Park Place Hotel, Saint Louis Park

Embassy Suites by Hilton Oklahoma City Will Rogers Airport, Oklahoma City

Intercontinental Saint Paul Riverfront Hotel & Citizen Restaurant, St Paul

Big Sandy Lodge & Resort, McGregor

Mille Lacs Super Stop, Onamia

Sweetgrass Media, Onamia

Subway Restaurant, Onamia

2020 Brand Solutions, South St Paul

Taco Johns, Onamia

Crossroads Convenience Store, Hinckley

Eddy's Resort, Onamia

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

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