Anti-Indianism in the Skagit County, Washington GOP

A Borderlands Background Report

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Borderlands Research and Education is dedicated to analyzing and opposing threats to the right of indigenous nations to exercise full political, economic and cultural self-determination. Through periodic reports and articles, Borderlands will analyze political movements, public officials and cultural trends that undermine these rights and document their relationship to broader attacks on human and civil rights, environmental protection and the rights of working people. Borderlands recognizes that this struggle is international in scope and is committed to supporting mobilizations across communities that defend and advance human rights and economic and environmental justice for all people.
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Introduction

Anti-Indianism in the Skagit County GOP and Beyond

This Borderlands Background Report examines the persistence of anti-Indian ideas and policy proposals in American culture and institutions. It does so by describing the presence of anti-Indianism at three levels in the Skagit County, Washington Republican Party: the precinct committee, the executive committee and state legislature.

After providing background on the organized anti-Indian movement, this report documents the presence of John Fleming as a Precinct Committee Officer in the Skagit County GOP. Fleming gained national notoriety by successfully leading an effort to pass a tribal termination resolution at the Washington State Republican Party’s 2000 convention. As this report shows, Fleming has long been part of a national movement dedicated to abrogating treaties with Indian Nations, overturning tribal sovereignty and ending continuing tribal nationhood. Fleming’s repeated election to PCO demonstrates an ongoing base of support for radical anti-Indianism in the Skagit County GOP.

At the level of the county GOP’s executive committee, this report recounts interviews and e-mail contacts in 2010 and 2011 with Bob Eberle, a former Skagit County party chair and current executive committee member. In these interviews, Mr. Eberle voiced unequivocal support for the 2000 termination resolution as well as ideas at odds with respect for indigenous nationhood. At the state legislative level, Borderlands documents how Val Stevens, a State Senator from Arlington, Washington, has opposed tribal jurisdiction over non-Indians in Indian Country and supported legislation that would undermine tribal sovereignty.

This report also calls attention to a troubling trend in cultural anti-Indianism in the United States – the persistence of the idea that non-Indians should live with impunity in Indian Country, exempt from any and all laws and regulations created by Indian Nations exercising their right to political sovereignty in their own homelands.

This idea became a flashpoint of conflict in recent debates over Congressional reauthorization of the Violence Against Women Act, rearing its ugly head when U.S. Senator Chuck Grassley (R-KS) opposed the Act’s extension of tribal jurisdiction over domestic violence, dating violence and protective order violations on Indian lands.¹ Senator Grassley and other Republican members of the Senate Judiciary Committee opposed the legislation despite appalling levels of violence against Native women and a 2010 Government Accountability Office (GAO) report indicating that U.S. Attorneys fail to prosecute cases of sexual abuse and related matters in Indian Country 67% of the time.² This idea was the cornerstone of the Supreme Court’s 6-2 ruling in Oliphant v. Suquamish Indian Tribe (1978), a case in which then-Supreme Court Judge William Rehnquist argued, in patently racist terms, that the subordination of tribes to the U.S.
government precludes their jurisdiction over the criminal activity of non-Indians on Indian reservations.\textsuperscript{3} Rehnquist wrote this decision despite that fact that the case involved reckless driving that jeopardized the safety of tribal members and assault on a tribal police officer, only ending, in Rehnquist’s words, when one defendant “collided with a tribal police vehicle.”\textsuperscript{4} The Court’s ruling stands in stark contrast to the typical institutional response when an individual jeopardizes the life of a non-Indian police officer.

The context in which Senator Grassley and William Rehnquist employed this idea – the idea that Indian Nations have no legal jurisdiction over non-Indian criminality and violence in Indian Country – exhibits a callous disregard for the safety and well-being of indigenous peoples. This savage indifference to the lives of Indian peoples has no place in civilized society.

This report also describes how this idea provides an ideological bridge between a radical grassroots assault on tribal rights, a county Republican Party leader, and a state legislator with roots in Christian Right politics. It also documents how the idea that tribes lack jurisdiction over non-Indians is frequently linked to a broader assault on tribal sovereignty and nationhood. In the end, Borderlands argues that this view is at odds with respect for an independent tribal nationhood, harkening back to colonial periods when the U.S. government, and many U.S. citizens, sought to forcibly assimilate Indian peoples into American society through coerced religious conversion, land allotment, boarding schools and termination.

We can do better. The spirit of this Borderlands report is the spirit of building bridges across communities to address our many common concerns in mutual respect. Attacks on tribal sovereignty, on tribal nationhood, undermine the potential for respect and common ground. By standing together, and rejecting this relic of colonialism, we can move forward, nation to nation, towards a better future. ■
Crow Creek Sioux scholar Elizabeth Cook-Lynn describes cultural anti-Indianism in the United States as “that which treats Indians and their tribes as though they don’t exist, the sentiment that suggests that Indian nationhood (i.e., tribalism) should be disavowed and devalued.” Cook-Lynn captures the political core of the modern anti-Indian movement — groups and individuals who deny the independent nationhood of indigenous peoples and mobilize to terminate tribal governments and break federal treaties signed with tribes.

The modern anti-Indian movement has focused on overturning two types of tribal rights: on-reservation tribal jurisdiction and off-reservation treaty-reserved resource rights. However, these groups’ writings and core ideas often betray an ultimate goal of ending tribal self-governance and continuing nationhood.

Since its rise in the 1960s, the modern anti-Indian movement has mobilized on three levels. Most persistently, the movement has been driven by localized opposition to the self-governance of specific tribes. Over the years, anti-Indian groups have existed on or near the Lummi, Quinault, Suquamish, Flathead, Swinomish, Nez Perce, Yakama, Coeur d’Alene and Muckleshoot reservations, among others.

Anti-Indian groups have formed regional alliances, as did the United Property Owners of Washington (UPOW) (now One Nation United) in opposing the treaty-protected fishing and shellfishing rights of Puget Sound tribes. These groups have also formed national coalitions such as the Interstate Congress on Equal Rights and Responsibilities (ICERR) in the 1970s, Citizens Equal Rights Alliance (CERA) in the 1980s and One Nation United in the 2000s.

Anti-Indian activists also ally with members of other social movements, most commonly property rights groups that oppose environmental regulations. Anti-Indian groups have joined league with resource-based groups — such as United Property Owners’ formation of One Nation United with Oklahoma petroleum and grocery interests — and animal rights activists — such as anti-Indian leader Jack Metcalf’s role in the campaign against the treaty-reserved right of the Makah tribe to hunt whales.

The anti-Indian movement often employs a rhetoric of “equality,” alleging that Indians are “super-citizens” who have received “special rights” through treaties and the “myth” of tribal sovereignty. Such lingo is similar to that used by far right groups to deny civil and human rights to people of color and gay men and lesbians.

At times, however, these far right activists draw directly on racist colonial legal ideas or weave conspiracies casting Indians as controlling the federal government through casino-derived wealth. Anti-Indian activists even call on racist 19th century Supreme Court decisions and the “Discovery Doctrine,” a colonial legal theory used by European powers to claim Indian lands, to
justify the continued suppression of tribal rights. Unfortunately, so do American federal courts.

The modern anti-Indian movement and its ideas have also found a place in American political parties and public institutions. This report documents how the idea that non-Indians should be free from any tribal jurisdiction on Indian land provides an ideological bridge between radical grassroots anti-Indian activists and some political party leaders and legislators. The same idea that mobilizes the hardcore anti-Indian movement has been expressed by U.S. Senator Charles Grassley and in Supreme Court decisions such as *Oliphant v. Suquamish* (1978).

The question is sometimes asked, “Is the anti-Indian movement racist?” *Borderlands* argues that the organized anti-Indian movement is inherently racist. In addition to being a prejudiced way of thinking, racism is defined by the persistence of skin color-based institutional inequality. The anti-Indian movement is racist because it seeks to limit or end inherent national rights held by Indian people in a broad context of social and institutional racial inequality. Just as it would be racist to seek to overturn the 1964 Civil Rights Act or 1965 Voting Rights Act – even by a person who claimed to not “hate” African-Americans or Latinos – so it is racist to seek an end to tribal rights. ■
John Fleming and the Anti-Indian Movement

More than ten years after leading the passage of a Republican Party resolution to terminate Indian tribal governments, anti-Indian activist John Fleming remains a Precinct Committee Officer (PCO) in the Skagit County GOP. Fleming gained national attention in 2000 when he successfully led the adoption of a platform plank calling for the federal government to “terminate...non-republican forms of government on Indian reservations” at the Washington State Republican Party’s annual convention [See “Who is Republican?” p. 12]. If tribes resisted, Fleming told reporters “then the U.S. Army and the Air Force and the Marines and the National Guard are going to have to battle back.”

A Rising Anti-Indian Star

John Fleming’s anti-Indian activism began by the late 1990s on the Swinomish reservation with the Fidalgo Alliance for an Informed Republic and in articles written for the Skagit Republican, the newsletter of the Skagit County Republican Party. His star in the national anti-Indian movement rose after the 2000 GOP resolution. That same year Fleming began writing for the newsletter of the Wisconsin-based anti-Indian group Protect Americans’ Rights and Resources (PARR), penning an article titled “Indian Sovereignty Myth” [See On PARR, p.13]. By 2001 Fleming was being hailed for his “depth of historical knowledge and legal research” by the Citizens Standup Committee, a Toppenish, Washington-based group at the time hosting “Round-up” events to coordinate the activities of regional anti-Indian activists. By 2007 Fleming was a PARR director.

Fleming also gained access to broader conservative circles, speaking at a 2007 Leadership Conference hosted by the Olympia, Washington-based Evergreen Freedom Foundation (EFF). Billed as the West Coast Director of PARR, Fleming falsely told attendees that tribal sovereignty is “a myth,” that no tribal treaties are “effective today” and that tribes “weren’t sovereign nations. They were Asiatic nomads that lived in certain areas.” The Evergreen Freedom Foundation is one of Washington State’s leading conservative think tanks and a prominent player in the Tea Party movement in the state, co-sponsoring Tea Party rallies and giving a 2010 “Defender of Freedom” award to Tea Party leader Keli Carender.

Despite his unambiguous anti-Indian record, John Fleming was elected Precinct Committee Officer (PCO) in the Skagit County Republican Party in 2004, 2006, 2008 and 2010. A PCO is a two-year elected party position charged with leading voter mobilization in a precinct. As of March 23, 2012, Fleming’s picture was prominently displayed on the county party’s webpage - one of only 11 PCOs pictured.
Colonialism, Forced Assimilation and the Articles of Confederation

Like many on the far right, John Fleming builds his ideology through a skewed version of history and the U.S. Constitution. In fact, many far right activists construct their racism through the language of law, flipping history and the Constitution on its head to justify curtailing the fundamental rights of people of color. Fleming’s “legal” theories are instructive because they reflect this general pattern specifically applied to overturning tribal self-determination.

Fleming views the history of federal Indian policies as organized around a tension between positive movement toward the coerced assimilation of Indian peoples, culminating in the 1924 Indian Citizenship Act (ICA), and negative turns toward recognizing limited forms of tribal political authority, represented by the 1934 Indian Reorganization Act (IRA).

Recounting the period before 1924, Fleming writes that the United States “demonstrated expressly and impliedly, their intent to annex the lands we know to be the United States of America,” an act achieved “by conquest and cession which left Indians and their tribes conquered, subjugated, and placed in a position of actual subordination to the United States.” “As part of the processes of annexation,” he continues,

“our nation has continuously tried to assimilate the Indians that remained. Up until the 1934 Indian Reorganization Act (IRA), a great deal of Indian legislation had taken place demonstrating the nations (sic) effort over the years to assimilate and make productive citizens out of the remaining Indians.”

For Fleming, this drive toward assimilation culminated in the 1924 Indian Citizenship Act. This act unilaterally extended U.S. citizenship to Indian people not made citizens through previous means. Fleming falsely argues that the Act made “pre-1924 treaties, court cases and decisions, and rules and regulations, both obsolete and not binding if in conflict with the U.S. Constitution.” In effect, Fleming argues here that the ICA ended the national status of tribes reflected in these pre-1924 actions.

Two points are important about Fleming’s “theory” of law and history. First, the Indian Citizenship Act simply did not alter the status of tribes as nations or overturn tribal treaties or sovereignty. The source of tribal nationhood is independent of the U.S. Constitution, rooted in the eons-old exercise of self-governance by indigenous peoples. The Constitution recognizes this independent status in the Commerce Clause, stating that “Congress shall have Power...to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” The language referring to tribes is identical to that governing Congressional power vis-a-vis France — that is, toward a sovereign nation.
Second, the period of history that Fleming hails as encompassing an American “effort...to assimilate and make productive citizens out of the remaining Indians” is filled with a string of egregious crimes committed by the United States – including forced removal, mass killings, coerced religious conversion, land theft (“allotment”), boarding schools and termination. This sustained attempt to do away with Indians as nations is reasonably called genocide under standard legal definitions, including that used in the United Nations’ *Convention on the Prevention and Punishment of the Crime of Genocide*. These crimes simply disappear in Fleming’s telling, a “myth” told by the “Indian Industry” to create American guilt.

In contrast to apparently “positive” periods of coerced assimilation, Fleming argues that the modern “American Indian Dilemma” has roots in the 1934 Indian Reorganization Act (IRA). Often called the Indian New Deal, this act ended the land theft and coerced assimilation embodied in the 1887 Dawes Act and provided means for tribes to create legally recognized bodies for government-to-government interactions with the United States. While the IRA continued elements of colonialism, it shifted federal policies toward the recognition of limited forms of tribal political sovereignty. For Fleming, however,

“This [the IRA] is a must read item because it alone started the chain of events that created the dilemma we face concerning the Federal Governments (sic) treatment of Indians and their tribes and it has provided for and funded the Indian Industry...[O]ur new deal regime came up with the concept that tribes should remain in existence even if they must be recreated and old terminated treaty rights recreated, and that tribes be given a place in our Federal system...as a federal entity of government. This is at war with our Constitution...Much of it is Constitutional fraud.”

In Fleming’s view, then, unilaterally extending U.S. laws into Indian country to coerce assimilation is good; recognizing even limited forms of tribal sovereignty is bad. The 2000 GOP resolution can be understood in light of this telling of history. It is in this context that Fleming’s call for dealing with Indian resistance by calling out the “U.S. Army and the Air Force and the Marines and the National Guard” makes sense. It is this set of ideas that continue to have a home in the Skagit County GOP.

For Fleming, however, the Indian Reorganization Act is even more, setting in motion,

“[A]n ongoing INTESTINE (meaning from within the U.S.A.) CONSPIRACY INVOLVING both Federally Recognized tribe (sic) and their supporters (all citizens of the U.S.), the Indian Industry...The tribes in question are governmentally controlling citizens and those same citizens can not vote in their elections or otherwise participate in their government activities...THEY ARE A FOREIGN ENTITY AND THEY HAVE FOR SOME TIME TAKEN ACTION THAT THREATENS THE NATIONAL SECURITY OF OUR NATION [Emphasis in original].”
Fleming goes even further. Even as he asserts the “unconstitutionality” of recognizing limited forms of tribal sovereignty, Fleming mounts his own attack on the U.S. Constitution, making the fallacious claim that the Articles of Confederation remain a legal basis for state political authority over tribes. Ratified in 1781, the Articles provided the legal framework for a confederation of states until its replacement by U.S. Constitution in 1789. The Articles gave more authority to state governments than to the emerging national government, a central reason behind the movement for the Constitution. The U.S. Constitution established the primacy of the federal government over states in relationships with indigenous nations.

According to Fleming, however, “the Articles of Confederation are as important to this matter [national powers vis-a-vis tribes] as the U.S. Constitution…[T]he Articles…remain the basis for understanding what real governmental powers the original States delegated to the federal government.” In Fleming’s view, Article IX is key, stating that “the United States in Congress assembled” will have “exclusive power” to regulate and manage “all affairs with the Indians…provided that the legislative right of any State within its own limits be not infringed or violated.” For Fleming,

“This is a clear declaration to the world that the States did not give up their sovereign powers and jurisdiction over Indians within their borders – which includes their territories. The process of revising the Articles, by the federal Convention at Philadelphia, did not change, alter, or in any way give more State sovereignty to the general (federal) government” [Italics added].

Fleming’s legally spurious claim would justify the complete abrogation of tribal treaty rights and sovereignty by state governments.

Fleming’s argument is little more than a quasi-legal mask for racism. On the one hand, Fleming’s view that “citizens of all racial backgrounds...individually possess the attribute of sovereignty” indicates that he is not a white nationalist. On the other hand, his use of the Articles of Confederation mimics a common feature of white nationalist politics – a desired return to past versions of the Constitution, or pre-Constitutional documents, that afforded little to no protection for people of color. Such aims have been promoted by white supremacist Posse Comitatus and “Christian Patriot” activists and modern day nativists who seek to overturn the 14th Amendment’s guarantee that all people born on U.S. soil are U.S. citizens.

Fleming supplements his anti-Indianism with bigoted attacks on Muslims. In response to the presence of Keith Ellison (D-MN), a Muslim, in the U.S. House of Representatives, Fleming penned a tirade against Muslims and Islam in the Spring 2009 PARR newsletter. By rejecting the idea that Muslims can be “good Americans,” Fleming betrays a potential religious bent to his own version of national identity:
“Perhaps we should be very suspicious of ALL MUSLIMS in this country. They obviously cannot be both “good” Muslims and good Americans...The Korean (sic) is neither a holy book nor does it speak for a religion! It is the book that presents a political doctrine like that of Hitler’s Nazism, Mussolini’s Fascism and Stalin’s Soviet communism, and effects every aspect of Muslim life.”

John Fleming’s call for a radical attack on tribal rights recalls 19th and 20th century efforts to forcibly assimilate Indian peoples. The “legal” ideas he advocates would strip tribes of political self-determination and undermine their ability to defend tribal communities, resources and culture. Such views and policies have no place in the major political parties. Unfortunately, they have found such a place – the Skagit County Republican Party.

Who is Republican?

The 2000 GOP resolution promoted by John Fleming based its call for termination on the claim that tribal governments are “not republican in form” because they “prohibit certain citizens [i.e., non-Indians] from voting for the representatives.” Republican governments are simply those in which people elect representatives to govern on their behalf. While many tribes have had non-republican forms of government – though still democratic – tribal governments are generally republican in character. Tribal members run for office, are elected, and conduct the public business of the tribe. While the authority of tribal governments is independent of the U.S. Constitution, they are generally republican.

Anti-Indian activists like John Fleming misrepresent the term “republican,” by which they mean that non-Indians do not vote in tribal elections. This is true. Non-Indians are not members of the tribe and do not vote in tribal elections. But this is not what defines a government as republican in character. Republican governments around the world, including the U.S. government, make decisions about who can and cannot vote in elections. In the United States immigrants may not vote in federal or state elections. When non-Indians chose to live in Indian Country, they chose to live in the homelands of sovereign nations. Those nations, like all nations, make decisions about who can and cannot vote in elections. Simply put, that is republicanism.
On PARR: Importing Wisconsin Anti-Indianism

John Fleming is more than a local anti-Indian activist. As mentioned above, he has been an active leader in an organized anti-Indian movement for many years. This section of the report provides background on Protect American’s Rights and Resources, a Wisconsin group that named Fleming a director by 2007. Before being named director, John Fleming had written for PARR’s newsletter, the American Rights Guardian Update (ARGU).

PARR formed amidst a backlash against Chippewa (Anishinabe) treaty-reserved fishing rights that followed the 1983 Voigt decision. This federal court ruling upheld Chippewa off-reservation fishing rights reserved in language such as that in an 1837 treaty: “The Privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded, is guaranteed to the Indians.”

When tribal fishers resumed exercising their right to spearfish walleye in northern Wisconsin, a backlash of racism, threats and violence ensued. Groups like Wisconsin Alliance for Rights and Resources (WARR) and Equal Rights for Everyone (ERFE) mobilized and mobs gathered at boat docks to harass tribal fishers. When an Adhoc Commission on Racism in Wisconsin condemned the racism of WARR and ERFE, PARR formed using WARR mailing lists. The group quickly took to walking a line between appealing to public officials for anti-treaty policy change and appeasing the demands of racist mobs.

PARR hosted events coinciding with mob protests, promoted misinformation about tribal fishing and joined league with racists such as Dean Crist. Crist, the founder of Stop Treaty Abuse (STA), promoted “Treaty Beer” as a fundraiser and said of Louisiana neo-Nazi David Duke that “It’s as if he’s been reading STA literature.” PARR’s Larry Peterson once stated that “Crist is a member of PARR and has supported PARR since day one.” The group continued to defend Crist as late as 2002, claiming in conspiratorial fashion that tribes had “acquire(d) control of the northern 1/3 of the State of Wisconsin” by hiring a federal judge to “financially crucify” the STA founder.

PARR continues to promote disdain for the rights of Indian Nations, referring to tribal sovereignty as “a myth” in its newsletter. Expressing the core anti-Indian view that rejects indigenous nationhood, Southwest PARR director Paul Jones has written that “Indians don’t have...treaties according to the original understanding of the United States Constitution as there are no more Indians, only Americans with Indian ancestry.” PARR director Victor Bellomy drew on, and misconstrued, racist 19th century federal court decisions in order to advocate the further dispossession of native peoples:
“Right, wrong or indifference (sic), Indigenous peoples without a seat of government, and who were nomadic, and not far removed from Stone Age cultures, were not considered nations or states. They held no true ownership of the soil, and were to be incorporated into the conquering society. The discoverer had the right to lay a claim to that soil, as well as the annexation of the Indigenous peoples, either by annexation, conquest, or by treaties … Only in the United States can the conquered reign supreme over the conqueror…what are we to do??? Why not apply: **TUCKER’S CONSTITUTIONAL LAW**

Here is what Tucker’s constitutional law has to say about this subject. “It can hardly be maintained that a few hundred thousand savages can claim a perpetual title to an entire continent, to be used by them as a theater of nomadic life, without the cultivation of the soil or the improvement of its resources for the benefit of mankind… The doctrine of the rightful possession of the American continent by the different British colonies settled upon it has been so long recognized and enforced that it is needless to discuss further [emphasis in original].”

“Tucker” refers to John Randolph Tucker, the Attorney General of Virginia during the confederacy. Tucker is also a favored “legal” theorist of John Fleming. This excerpt shows PARR’s distortion of realities about Native peoples. For instance, the same 19th century legal doctrine Bellomy cites actually recognized tribal nationhood; tribes had well understood territories that they defended; and many tribes had agriculture economies. Bellomy also displays PARR’s crass racism, citing documents calling Indians “savages” to justify denying existing tribal rights.

PARR does not stop with attacks on Native peoples. In addition to Fleming’s bigoted tirade against Muslims [See p. 11], PARR supports English as the official language in the United States; rants in conspiratorial-style about pending United Nations’ arms grabs; and mimics some Tea Party activists in absurdly denouncing President Obama as a “socialist sleeper cell ringer.” The group’s “Arkansas friends” show their own racial consciousness, bemoaning that “If we had an organization for only whites to ‘advance’ our lives, we’d be racists.”

PARR boasts representatives in the west and southwest in addition to a core Wisconsin base. However, the organization is clearly not the political force it was in the 1980s, even thanking supporters in 2005 for donations that allowed it to remain solvent.  Nonetheless, PARR continues to promote bigotry against Indian peoples and has claimed to regularly mail its newsletter to Wisconsin legislators, executive agencies and the Wisconsin Congressional delegation.
Executive Anti-Indianism in the Skagit County GOP

John Fleming’s 2000 tribal government termination resolution quickly drew negative national attention. Tribal and human rights leaders denounced it. State GOP leaders clumsily distanced themselves from it. Even longtime anti-Indian figure and then-U.S. Senator Slade Gorton voiced opposition to it. Despite all this, the resolution continues to have the support of at least one Republican leader in the state: former Skagit County GOP chair and current county executive committee member Bob Eberle.

In interviews with this author on March 26 and 31, 2010, when Mr Eberle served as county party chair, and again in a March 2011 e-mail, the party leader expressed his unequivocal support for the 2000 termination resolution. He also expressed misconceptions about tribes and ideas at odds with tribal self-determination.

While Mr. Eberle disagreed with John Fleming’s view that the Articles of Confederation should govern federal Indian policies, when asked whether he still supported the 2000 resolution, he stated “Absolutely.” Elsewhere in the interview, the reasons for his support became clear. Asked if he thought that tribes should be terminated, Eberle stated:

“I think the tribe is a wonderful club for the Indians to maintain. And through their club they can handle insurance, they can handle all kinds of things. They can handle the transmittal of money from the federal government to the tribe. All this sort of thing. I just don’t think they ought to have any authority over property that has been sold in past years off to non-tribal members and I don’t believe they should have a police force."

As this passage makes clear, the ideological glue binding Bob Eberle to John Fleming includes the idea that Indian tribes should have no jurisdiction over Indian peoples on Indian reservations. At another point in the interview, Eberle stated,

“it doesn’t bother me for them [tribal governments] to have political authority over other members of the tribe, but when they exercise political authority over people who are not members of the tribe, who yet are legally situated within the boundaries of the reservation, then I believe that’s wrong.”

This view is itself at odds with tribal sovereignty, akin to someone moving to the United States from France and not having to follow U.S. law. However, Mr. Eberle’s support for the 2000 resolution betrays a more far-reaching attack on tribal governments – in effect, a call for the termination of tribal self-governance. As is often the case in the anti-Indian movement, the view that tribes lack jurisdiction over non-Indians is linked to a broader rejection of tribal sovereignty.
In the end, Mr. Eberle dismisses the status of tribes as nations with longstanding legal and moral claims to political self-determination. Asked if he recognizes that the Supreme Court has held that tribal political authority pre-dates, and does not derive from, the U.S. Constitution, Mr. Eberle told this author:

“That to me seems unimportant, simply because of the fact that everyone, all the immigrants, that came here came from pre-existing authority and created a brand new political authority. And that new political authority was the Constitution of the United States of America. So, I’m not much interested. I don’t care whether there was something before that or not. If you’re an inhabitant here you come under the Constitution.”

This dismissal of tribal nationhood and the political authority of tribal governments is the essence of anti-Indianism and should be repudiated by all who support the human rights of indigenous peoples. Unfortunately, this does not appear to include Skagit County GOP executive committee member Bob Eberle. ■
Echoes from Olympia: Anti-Indianism in the State Legislature

Given the persistence of anti-Indian ideas in the Skagit County GOP, it is little surprise to find them expressed by a state legislator who represents part of the county: State Senator Val Stevens (R-Arlington). Stevens represents the 39th legislative district, extending across eastern parts of Skagit, Whatcom, Snohomish and King counties; Stevens is also a regular writer for the county party’s newsletter, The Skagit Republican.

Stevens displayed her opposition to tribal sovereignty in 2006 when she joined fellow state legislators Dan Kristiansen (R-Snohomish) and Jim Honeyford (R-Sunnyside) in requesting a state Attorney General’s opinion about tribal police jurisdiction over non-Indian traffic violations on Indian reservations. Drawing on a string of anti-Indian court decisions, Deputy Solicitor General James K. Pharris issued an “informal opinion” stating that tribal police generally lack such authority on “public roadways and highways.” Despite Pharris’ emphasis that this would “not be published as an official Attorney General Opinion,” Stevens encouraged those pulled over by tribal police to hold up a card stating, “You don’t have authority over me. I’m calling a law-enforcement officer from my own government.” Stevens stressed that the card “needs to be in large enough print so an officer standing in the rain can read it” and that non-Indians do not need to roll their car windows down if stopped by Tulalip police officers.

Once again, the framework linking Val Stevens to her county GOP compatriots is the denial of tribal authority over non-Indians in Indian Country. As with Fleming and Eberle, Stevens’ expression of this view is also tied to a broader rejection of tribal sovereignty. In 1997 Stevens co-sponsored Senate Bill 5265, a bill that would have required State Senate approval of gaming compacts between the State of Washington and Indian tribes. Representatives of seven tribes located in the state testified against this bill that would have furthered the restrictions on tribal sovereignty already embodied in the 1988 Indian Gaming Regulatory Act. The bill died in the Senate.

More recently, in January 2012, Stevens co-sponsored Senate Bill 6551, innocuously described by its sponsors as “An Act relating to providing transparency and legislative oversight of tribal fuel tax agreements.” Under the guise of good government, the bill would require that any such agreement “Contain certification by the state and tribe that legal incidence of the tax under this chapter falls on the tribe.” This attempt to extend state taxing authority onto tribes also sought to dictate that tribes spend any “fuel tax proceeds...on highway purposes as set forth in Article II, section 40 of the Washington Constitution.” This bill, which languished in the Transportation Committee, dovetails with the rejection of tribal jurisdiction over non-Indians by seeking to extend state laws further into Indian Country.

Stevens does not stop with disrespecting the rights of tribes. The longtime legislator was state director of the Christian Right group Concerned Women for America (CWA) from 1985 to 1991.
and elected to the National CWA board of directors in 1990. In the shrill style of such groups, Stevens responded to efforts to expand the rights of domestic partners in Washington State by writing, “Are the homosexuals finally going to take control of our culture and push their depraved lifestyle on our children and families?” In 1998, Stevens co-sponsored legislation barring schools from presenting homosexuality in a positive light (Senate Bill 5167).

In 2010, Stevens sponsored legislation targeting undocumented immigrants. Senate Bill 5669 proposed to bar undocumented immigrants from receiving driver’s licenses and make it a felony to “transport, move or attempt to transport” an undocumented immigrant in Washington State. Going further, Stevens’ SB 6567 would have required the collection of DNA samples from undocumented immigrants.

As the Institute for Research and Education on Human Rights documented, Stevens spoke at a January 2010 Tea Party rally in Olympia, Washington. Stevens promoted the 10th Amendment “state sovereignty” cause that has animated some Tea Party activists. Stevens has long championed such policies, supporting “10th amendment” bills in 1998 (Senate Joint Memorial, or SJM, 8002) and 2010 (SJM 8018). Far right activists have used such measures in an attempt to nullify federal government authority. Such legislation potentially threatens tribes whose treaty rights are reserved under federal agreements and dovetails with John Fleming’s radical states’ rights vision.

Stevens is also a fan of the anti-democratic goal of repealing the 17th Amendment to the Constitution. This Progressive Era amendment provides for the direct election of U.S. Senators. Stevens’ 2010 SJM 8020 advocates a return to Senatorial selection by state legislatures. This potentially impacts tribes because state governments have been historic opponents of many tribal rights. In fact, Stevens’ bill would have given state governments greater leverage in appointing judges who interpret treaties. As the bill states:

“The election of the United States Senators by the State Legislatures was the political mechanism against congressional encroachment into the sovereignty of the states…One of the essential aspects of the states’ exercise of this political mechanism is the United States Senate’s advice and consent for treaties and appointments of executive and judicial officers made by the President of the United States.”

Stevens’ opposition to tribal police authority on Indian reservations and her commitment to states’ rights are a threat to the rights of Indian Nations. Her attacks on homosexuals, immigrants and democratic processes are part and parcel of her anti-Indianism.


18 United States Constitution. Article I, Section 8.
For an extended discussion of the lack of legal federal authority over Indian tribes, including failure of the Indian Citizenship Act to alter tribal sovereignty, see Clinton, Robert N. 2002. There is No Federal Supremacy Clause for Indian Tribes. Arizona State Law Journal. 34(113), Spring. A special thanks to the Native American Rights Fund (NARF) for this article and information on the relationship of the 1924 Indian Citizenship Act to the U.S. Constitution. NARF can be reached at 1506 Broadway, Boulder, CO 80302-6296. http://www.narf.org/. NARF provides important legal assistance to Indian tribes, organizations and individuals. Since 1971 they have defended tribal sovereignty, treaty rights, natural resource protection and Indian education. They rely solely on donations for their important work.

The United Nations Convention on the Prevention and Punishment of the Crime of Genocide states that “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measure intended to prevent births within the group; (e) forcibly transferring children of the group to another group.”

Fleming, John A. 1999. Essentials of the American Indian Dilemma. http://www.parr1.com/Fleming/FlemingArticleNO7.txt. Downloaded March 24, 2012. Fleming relativizes the systematic dispossession, violence and coerced assimilation directed at indigenous peoples by the United States, attributing harm falling on Indians to a general lawlessness during westward expansion – not explicit public policies carried out the U.S. He writes, “It doesn’t take a brain surgeon to figure out that the pillage, rape, theft, cheating, stealing (sic) of property, fighting, killing and hurting of people, that affected (sic) Indians and their tribes also affected (sic) the common citizen and other immigrants that moved to the west or lived in the west --- the rancher, the farmer, the Mexican property owners or residents of the southwest, just to mention a few categories. People of all colors, races, and religions, NOT JUST INDIANS, were affected (sic) by the lawlessness, wild and uncontrolled criminal activity during this time in our history [emphasis in original].” This pattern of relativizing systematic violence and dispossession (i.e., claiming that all sides did some bad, or experienced some bad, while ignoring specific, historically documented, genocidal policies and acts) is similar to that practiced by modern-day Holocaust deniers. See Stern, Kenneth. 1993. Holocaust Denial. New York: American Jewish Committee.


