

Trump Tries to Play ‘Cowboys and Indians’ with International Treaties Signed with Native American Tribes

By [Wayne Madsen](#)

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Donald Trump is attempting to do something that no previous recent president of the United States has attempted. Trump is trying to abrogate longstanding legal international treaties signed by some of his predecessors with sovereign Native American tribes. The Trump administration is using a requirement that Medicaid recipients work in return for health benefits to deny Native American tribes the right to govern themselves as sovereign entities. The Trump administration is denying an exemption for the work requirement for tribal nations by reclassifying Native Americans as a racial group subject to federal law, not as separate sovereign nations bound by distinct tribal laws.

Trump’s move against tribal sovereignty is part of the overall transformation of the Republican Party into a far-right Trump cult that advances racist policies. Trump has provided impetus to the marginalization of tribal sovereignty by repeatedly calling Massachusetts Democratic Senator Elizabeth Warren, who hails from Oklahoma, formerly known as the Indian Territory, by the racist pejorative, “Pocahontas.” The Republicans also engaged in voter suppression of Native American tribal members in North Dakota by requiring new anti-tribal identification cards in order to register to vote. The decision played a part in the defeat of Democratic Senator Heidi Heitkamp in her race for re-election in North Dakota.

Treaties signed between the United States government and sovereign Native tribes are protected in the US Constitution, a document that the Trump administration has relegated to the waste bin. The Constitution’s “supremacy clause” in Article VI states:

“This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be 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, anything in the constitution or laws of any state to the contrary notwithstanding.”

It is the supremacy clause which establishes the US treaties with the tribal nations as sacrosanct and inviolable, even by a fascist-oriented demagogue like Trump. Mr. Trump’s antipathy toward tribal sovereignty stems from his belief that it was the opening of casinos on sovereign tribal reservations throughout the United States that helped drive his casinos in Atlantic City, New Jersey out of business. In fact, Trump’s casinos were plagued by mismanagement at the top – meaning Mr. Trump and his top executives – and close ties to organized crime syndicates in Atlantic City and Philadelphia. These factors were as much

responsible for Trump's casino failures as was the competition from Native American gaming complexes. Nevertheless, Trump railed against Indian gaming, telling radio host Don Imus in 1993,

"I might have more Indian blood than a lot of the so-called Indians that are trying to open up reservations. It's a joke."

Two senators condemned Trump's remarks about Native Americans. One was Senator Daniel Inouye of Hawaii. The other was Senator John McCain, a man who would later clash with President Trump on several issues.

However, Trump had no intention of competing with Indian casinos. He bought off a New Jersey Democratic Senator, Robert Torricelli, who introduced a bill in Congress that would forbid tribes from opening casinos in New Jersey unless they were in Atlantic City. Torricelli's bill was nicknamed the "Donald Trump Protection Act."

Mr. Trump has long disparaged Native Americans. In 1993, when plans were afoot to build a Native American casino in Connecticut, Trump told the Imus program,

"I think if you've ever been up there [Connecticut], you would truly say that these are not Indians. One of them was telling me his name is Chief Running Water Sitting Bull, and I said, 'That's a long name.' He said, 'Well, just call me Ricky Sanders.' So, this is one of the Indians."

Trump's use of the pejorative "Pocahontas" in referring to Elizabeth Warren did not start with her. His racism has been on full display for decades.



Map of National Historic trails (Source: Public Domain)

Mr. Trump's vindictiveness against Native Americans is on full display with his attempt to whittle away tribal sovereignty rights by refusing to grant the Medicaid work exemption. This is only a first step toward his final goal of trashing the tribal treaties, thus opening up

sovereign territory to exploitation by oil companies, mining operations, and real estate developers. It is not coincidental that Trump's favorite president is Andrew Jackson, the man responsible for genocidal war crimes against Native Americans and the forced relocation of tribes to the Indian Territory of Oklahoma during the infamous "Trail of Tears."

Trump, trying to emulate Jackson, recently grabbed 85 percent of the Bears Ears and 50 percent of Grand Staircase-Escalante National Monuments in Utah, both sacred to Native American peoples. Trump hand over the seized land to uranium mining companies and natural gas fracking firms. Trump's approval of the Keystone XL pipeline ran counter to protests from Native American tribes in Montana and South Dakota that were impacted by the project. Trump's ethics-conflicted Interior Secretary, Ryan Zinke, wants to eliminate trust provisions for Native American lands.

A hallmark of a fascist regime is the elimination of sub-national centers of sovereignty. The Trump administration, while paying lip service to states' rights, especially when it comes to voter disenfranchisement, institutionalized racism, and gun rights, is less inclined to support the rights of states to legalize marijuana, abortion, and euthanasia. The Trump administration has also sharply curtailed self-government in American territories like Puerto Rico, Guam, the US Virgin Islands, American Samoa, and the Northern Marianas. This grab for unitary executive power is also being felt by tribal governments.

Native Americans, many rejecting US citizenship, are being forced to assimilate into Trump's "America First" nationalist state. Rather than assimilate into the United States, and thus lose what remains of their cultural and linguistic identities, Native Americans have, over the past several decades, attempted to break from dictates from Washington and its proto-colonialist Bureau of Indian Affairs.

Native Americans, refusing to accept American citizenship, have traveled abroad on tribal passports. The Onondaga Nation of the Haudenosaunee (Iroquois) Confederation and the Hopi Nation have issued passports that have been recognized by the US State Department, the United Nations, and immigration authorities in Sweden, Switzerland, the United Kingdom, Belgium, Netherlands, Germany, France, Italy, Russia, Australia, Libya, and Japan. The Kickapoo Nation, the Cherokee Nation, and the Tohono O'Odham Nation have also implemented passport/international travel card systems. In addition, diplomatic passports used by native Hawaiians representing the Kingdom of Hawaii (and who reject American citizenship) have been recognized by Switzerland, other European countries, and Central American states.

In 2009, the Lakota Sioux Nation declared its independence from Washington and its leader, Russell Means, was received at the embassies of Chile, Venezuela, Bolivia, and South Africa in Washington. The Lakota Sioux also requested diplomatic recognition and announced plans to issue passports.

The Trump administration has run roughshod over the Tohono O'Odham nation, which lies astride the US-Mexican border. Their nation now stands to have a Trump-initiated border wall bisect it, which will prevent the tribe unfettered access within the sovereign reservation. Trump and his cronies are treating the Tohono O'Odham in the same ruthless fashion as Israel's behavior toward the Palestinians, with the Israeli "Separation Wall" dividing Palestinian villages from one another.

Mr. Trump's billionaire financial supporters like casino moguls Sheldon Adelson and Steve

Wynn, have little time for Indian casinos eating into their profit shares. Florida's incoming racist governor, Ron DeSantis, a Trump supporter, may make a move against the Seminole Nation's and other tribal casinos in the state. This showdown will not come without a fight. The Seminoles and allied tribes never signed peace treaties with the United States. The Miccosukee Nation, a Seminole sub-nation, continues to exist on a reservation bordering Everglades National Park in southern Florida. The unofficial capital is the Tamiami Trail Reservation. One thing that makes the Miccosukee Nation stand out from other tribal nations is the rightful absence of the US flag anywhere on the reservation. The Miccosukee flag of horizontal bands of white, black, red, and yellow is ubiquitous and a welcome sight in place of that "other flag" of red, white, and blue, the one that represents to Native Americans, the genocide of native peoples.

Mr. Trump's days of making jokes about Native Americans and threatening their tribal sovereignty may be coming to an end. That is, if New Mexico's newly-elected Native American Democratic Representative Deb Haaland has anything to say about it. She is a member of the Pueblo of Laguna tribe and a 35th-generation New Mexican and has no time for Trump's racial stereotyping of Native Americans. She will be joined in Congress by newly-elected Democratic Representative Sharice Davids of Kansas, a member of the Ho-Chunk Nation, and a third Native American, Xochitl Torres Small, another newly-elected Democrat from New Mexico. These Native American congresswomen will be in no mood for Mr. Trump's jokes or slurs.

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Wayne Madsen is an investigative journalist, author and syndicated columnist. A member of the Society of Professional Journalists (SPJ) and the National Press Club.

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