

Legalized Racism, Federal Indian Policy and the End of Equal Rights for All Americans by A. R. Eguiguren

Without Reservation, The making of America's Most Powerful Indian Tribe and Foxwoods, the World's Largest Casino by Jeff Benedict

No Bones Unturned - Kennewick Man by Jeff Benedict

The Nations Within -The Past and Future of American Indian Sovereignty by Vine Deloria Jr. & Clifford Lyttle '

Dred Scott's Revenge – A legal history of Race and Freedom in America by Judge Andrew P. Napolitano

The Oneida Land Claims, A Legal History by George C. Shattuck, Esq.

The Rights of Indians and Tribes - An American Civil Liberties Union Handbook by Stephen L. Pevar

The Second Civil War, Examining the Indian Demand for Ethnic Sovereignty by David Price

Taking Back America - Radical Plans to Revive Freedom, Morality & Justice, by Joseph Farah

Tribes and The American Constitution, by Francis G. Hutchins

The United States Constitution: In particular Amendment 14, Section 1 (equal protection) Section 2, and The Treaties of 1788,1794, and 1838.and the 1988 Second Circuit Court of Appeals Decision

Going to Pieces...The Dismantling of the United States of America, by Elaine D. Willman, MPA [To purchase, email: toppin@aol.com]

George Washington: A collection by William B. Allen PHD

The Dirty Dozen by Robert A Levy & William Mellor

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(CERA)

And

CITIZENS EQUAL
RIGHTS FOUNDATION

(CERF)

2011

Federal Indian Policy

*Reference Handbook
And Guide*

CERF and CERA's Mission:

*Federal Indian Policy is unaccountable, destructive,
racist and unconstitutional.*

*It is therefore CERA's mission to ensure the equal protection
of the law as guaranteed to all citizens by the Constitution
of the United States of America*

www.citizensalliance.org

HOW DID WE GET HERE?

Federal Indian Policy seems to swing like a giant pendulum every 50 years or so. Initially Indian issues were placed under the jurisdiction of the War Department of the United States Government. For example, when New York State was first admitted to the Union copies of existing treaties were forwarded to the war department.

1775 - 1871 Formative Indian Policy Years

- 1787 The Northwest Ordinance
- 1791 The First "Non-Intercourse Act" 25 U.S.C. Sec. 177
- 1824 The BIA (Bureau of Indian Affairs) was established under the War Department of the United States Government.
- 1830 The Indian Removal Act was passed. This was an act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal to west of the Mississippi River.
- 1838 The federal government signed The Buffalo Creek Treaty
- 1849 The BIA was moved to the Department of Interior (DOI)
- 1850-1887 the federal government formed reservations
- 1885 Major Crimes Act, 18 U.S.C. Sec. 1153

1877 - 1928 Allotment & Assimilation Years

- 1887 The Dawes Act was passed. This was an attempt to dissolve reservations by allotting land to individual Indians (while held in trust by the federal government for 25 years) allowing Indian assimilation into the US culture.
- 1907 The Burke Act as an amendment to the 1887 Dawes act was passed giving citizenship to the Indians that took advantage of the Dawes act and became fee owners of individual parcels of property.
- 1908 Winters Doctrine of Reserved Indian Water Rights 207 U.S. 564 (1908)
- 1924 Indian Citizenship Act, 43 Stat. 253, 8 U.S.C. Sec. 1401

Recommended Reading

46 Pages -Thomas Paine, Common Sense, and the Turning Point to Independence, by Scott Liell

220 Million Custers, Teapot Dome - Watergate -Koreagate – TEEPEEGATE By Bill Lowman [To obtain a copy contact: toppin@aol.com]

American Indian Law in a Nutshell by William C. Canby Jr., Judge United States 9th Circuit Court of Appeals

Making Our Democracy Work by Stephen Breyer – A Judge's View by Supreme Court Justice Stephen Breyer

Indian Gaming & Tribal Law by William R. Eadington, Editor

Indian Gaming -Tribal Sovereignty and American Politics by W. Dale Mason

Buy The Chief A Cadillac by Rick Steber

Hitting The Jackpot by Brett D. Fromson

The Enemies of Christopher Columbus by Thomas A. Bowden

The Culture Cult – Designer Tribalism and Other Essays by Roger Sandall

Blood Struggle – the rise of modern Indian nations by Charles Wilkinson

My Grandfather's Son by Chief Justice Clarence Thomas

The Nine (Chief Justices) by Jeffrey Toobin

The Constitution, Vols 1 and II by John Randolph Tucker.

Fleming Hornbook on THE AMERICAN INDIAN DILEMMA by John Fleming. [To order email: custer1@wavecable.com]

America's Constitution A Biography by Akhil Reed Amart

FOUNDING BROTHERS – The Revolutionary Generation by Joseph J. Ellis

THE ASSASSINATION OF HOLE IN THE DAY –Anton Treuer

Legislative

US Senate.....www.senate.gov
Senate Calendar..www.access.gpo.gov/congress/cong004.html
SD..... Dirkson Building – 1st & C Sts., NE
SH.....Hart Building - 2nd & C Sts., NE
SR.....Russell Building – 1st & C Sts., NE

US House of Representatives.....www.house.gov
Clerk of the House.....clerkweb.house.gov
Rooms with 3 numbers
Cannon House Office Bldg, 1st. St & Independence Ave., SE
Rooms with 4 numbers beginning with 1
Longworth HOB Independence & New Jersey Aves., SE
Rooms with 4 numbers beginning with 2
Rayburn HOB Independence Ave., & S. Capitol St. SW

Judicial

Chief Justice –

John G. Roberts, Jr., 1/27/55, Buffalo, NY; JD Harvard, NY 1979
Nominated by President Bush 2005

Associate Justices:

Elena Kagan, 4/28/60, JD Harvard Law School 1986
Nominated by President Obama, 2010
Antonin Scalia, 3/11/36, Trenton NJ: LLB Harvard Univ., 1960
Nominated by President Reagan 1986
Anthony M. Kennedy, 7/23/36 Sacramento Calif; LLB Harvard 1961
Nominated by President Reagan 1988
Sonia Sotomayor, 6/25/54 Bronx, NY; J.D. Yale Law School, 1979
Nominated by President Obama, 2009
Clarence Thomas, 6/23/48 Pin Point, GA; JD Yale Univ. 1974
Nominated by President Bush 1991
Ruth Bader Ginsburg, 3/15/33 Brooklyn, NY; LLB Columbia. 1959
Nominated by President Clinton, 1993
Stephen G. Breyer, 8/15/38, San Francisco CA; LLB Harvard 1964
Nominated by President Clinton 1994
Samuel A. Alito, Jr, 4/1/1950, Trenton, NJ
Nominated by President Bush 2006

1928 - 1953 Indian Reorganization Years

- 1928 Meriam Report, documents failed Federal Indian policy of the Allotment period
- 1934 Indian Reorganization Act - reorganized reservations but did not require tribes to provide tribal members with full protection of the constitution and they still do not have it on reservations to this day. This also placed fee owners on reservation property and the jurisdiction problems escalated. As the BIA did not want to be dissolved, politics played a big role.
- 1946 ICCA Indian Claims Commission Act was passed in an attempt to put an end to all Indian Land Claims. This act was originally set to end in 1951 but was extended to the 1970's. (An interesting piece for more information would be Attorney Randy Thompson's 50 years beyond)

1953 - 1968 Termination Era

- 1953 Through 1968: This was a termination era and saw the passage of Public Law 280

1968 - Present - Indian Self-Determination Years

- 1968 Indian Civil Rights Act (ICRA), 25 U.S.C. Sec. 1301
- 1975 Indian Self-Determination and Education Act (IDEA), P.L. 93638;88 Stat. 2203; 25 U.S.C. 450
- 1978 Indian Child Welfare Act, P.L. 95-608
- 1982 Tribal Tax Status Act, 96 Stat. 2607
- 1988 Indian Gaming Regulatory Act (IGRA) P.L. 100-497, 102 Stat. 2467
- 1990 Native American Graves Protection and Repatriation Act, P.L. 101-601; 25 U.S.C. Sec. 3001
- 1990 Indian Law Enforcement Act, P.O. 89-665; 80 Stat. 473

COURT CASES AFFECTING INDIAN LAW:

1. **Erie Railroad v. Tompkins (1938)** Federal Common law limited to areas of law not encompassed by state common law. 14th Amendment protects federalism and rights of people to be governed by most representative form of government. This is the foundation case of vertical separation of powers.
2. **Montana 1981** – Ruling on ownership of submerged land and setting tribal civil jurisdiction balancing interests of tribe v. non-Indians.
3. **Strate v. A-1 Contractors (1997)** – Rights of ways are not to be considered parts of reservations. Non-Indians brought before a tribal court have ability to sue the tribal court judge to get to federal court without being stopped by tribal sovereign immunity.
4. **Alaska v. Native Village of Venetie: (1998)** establishes and defines requirement of federal oversight for tribal sovereignty confining the designation of “Indian country.”
5. **Nevada v. Hicks: (2001)** A state’s jurisdiction does not end at a reservation boundary...reservations are part of a state’s territory.
6. **Atkinson Trading Co., Inc. v. Shirley: (2001)** A tribe may not tax a non-member off the reservation.
7. **Bishop Paiute Tribe v. County of Inyo: (2002)** An Indian tribe is not a “person” entitled to bring a suit under federal law 42 U.S.C. 1983(civil rights).
8. **Michigan: Grutter v Bollinger(2003)** Supreme Court applied the 14th amendment equal protection standard to both state and federal action in parallel affirmative action cases by stating the standard as “governmental action” They then included Native Americans as a racial minority and set a strict standard that only a “narrowly tailored compelling governmental interest will overcome the presumed unconstitutionality of a racial preference. The specific use of race by the undergrad college in awarding 20 points to minority students was struck down as unconstitutional. The court also said that all persons must be treated as “white persons” for enforcement of contracts.
9. **U.S. v. Lara: (2004)** Tribal court jurisdiction then federal court jurisdiction does not violate Double Jeopardy. Affirmed congressional “Duro fix” to overturn Duro v. Reina. HOWEVER It also includes reference to United States v. Curtiss-Wright Export Co., (1936) which includes rationale that stopped the executive branch from using domestic war powers within the United States. The opinion continues by applying this to the “plenary” powers assumed to reside in Congress to legislate tribal sovereign authority and federal Indian policy to change “judicially made” federal Indian law

Names & Numbers

Executive Branch

President of the United States – Barack H. Obama –
White House, 1600 Pennsylvania Ave.,
NW, Washington, DC 20500
202-456-1414

Department of the Interior
Cabinet Secretary – Ken Salazar
1849 St., NW, Washington, DC 20240
202 208-7351,
www.doi.gov

Bureau of Indian Affairs
Assistant Secretary – Lawrence Echo Hawk
Acting Principal Deputy Assistant Secretary – George Skjibine
1849 C. St., NW, Washington, DC 20240

Department of Justice
Attorney General - Tim Geitner
950 Pennsylvania Ave., NW, Washington, DC 20530
202 616-02777
www.usdoj.gov

Environmental Protection Agency
1200 Pennsylvania Ave., Washington, DC 20460
202 260-2090,
www.epa.gov

Capitol Switchboard.....202-224-3121
Congressional Budget Office202-225-2600
Federal Register.....202-523-4534
..... wais.access.gpo.gov

www.citizensalliance.org
SCOTUSBLOG.com
IndianZ.com

BIA Criteria for Federal Recognition as an Indian Tribe.

SOURCE: General Accounting Office (GAO) Report: "Improvements Needed In Federal Recognition Process," Page 10 GAO-02-49 Indian Issues. November 2001,

Indian tribes seeking federal recognition must provide evidence to the Department of Interior's (DOI) Bureau of Indian Affairs, (BIA) demonstrating compliance with seven criteria for consideration of future federal recognition under the regulatory process:

- (a) The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.
- (b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.
- (c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.
- (d) The group must provide a copy of its present governing documents and membership criteria.
- (e) The petitioner's membership consists of individuals who descend from a historical Indian tribe or tribes, which combined and functioned as a single autonomous political entity.
- (f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.
- (g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden recognition."

10. **Terrorism cases: (Rasul, Hamdi) (2004)** Supreme Court rules that courts have judicial review of executive land status determination that land is a separate territory outside of constitutional jurisdiction.

11. **Sosa v. Alvarez-Machain: (2004)** Upholds the limiting of discretion of the federal courts to create or formulate new federal common law principles to 18th century statutes. "These reasons argue for great caution in adapting the law of nations to private rights."

12. **Cherokee Nation v. Leavitt (2005)** Supreme court ruled that ISDEA P.L. 93-638 contracts are regular contracts of any subcontractor to the US holding the federal government responsible for underpayments. This means ISDEA does not delegate any federal authority to Tribes.

13. **US. vs. Johns (1978)** The federal government per act of Congress must purchase land for placement into trust

14. **City of Sherrill (2005)** – Indian Sovereignty cannot be unilaterally established by re-purchasing aboriginal land.- Laches doctrine -Justifiable expectations of long established communities – Doctrine of Discovery

15. **ALASKA V. US. (2005)** The federal government cannot establish Reservation Land without reserved rights.

16. **Wagnon v. Prairie Band Potawatomi Nation (2006)** Kansas can tax distributors who sell fuel at an Indian-owned and operated gas station and, furthermore, the Tenth U.S. Circuit Court of Appeals in Denver erred in deciding that the State tax violated the tribe's "sovereignty."

17. **Cayuga Indian Nation v. State of New York** – (2007) Cert. Denied, upholding and allowing extension of City of Sherrill, Laches, justifiable expectations of long established communities.

18. Kickapoo v. Texas 07-1109 – A State can NOT be compelled to enter into a class three compact.

19. Carciari v. Kempthorne 07-526 A tribe not under federal jurisdiction & regulation is not entitled to trust land under the Indian Reorganization Act

20. P.O.L.O. v. U.S. Dept of Interior 06-1502 – Citizens groups have standing

21. Hawaii v. Office of Hawaiian affairs 07-1372 – Once land is transferred to State jurisdiction it is not eligible to be taken into federal jurisdiction.

22. United States v. Navajo Nation 07-1410 – Puts doubt on the federal government's duties to Indian tribes as a result of the federal-tribal trust

Current Case to Watch

Madison County and Oneida County, NY as petitioners v. Oneida Indian Nation of New York and Stockbridge-Munsee Community Band of Mohican Indians 10-72

FEDERAL TERMS - The ABC's of FIP (Federal Indian Policy)

BIA: Bureau of Indian Affairs, a division of the Department of Interior with a budget in the BILLIONS. 89% of that budget stays in Washington for administrative costs. This agency also handles recognition of new tribes. Currently 562 recognized tribes with 200 more applications. Recognition of a tribe enables them to receive millions of federal dollars. There is no known plan to eliminate federal dollars when a tribe establishes a successful casino.

DAWES ACT OF 1887: Law that initiated the process of assimilation by allotting land to the individual Indians to be held in trust by the federal government for a period not to exceed 25 years. This act was a deliberate attempt to end the segregation and dependent status of Indians

DOI: Department of the Interior, Secretary Salazar, has final say on Fee to Trust Land

DOJ: Department of Justice, Tim Geitner, United States Attorney General, in charge of Indian Affairs

EIS: Environmental Impact Statement. When a proposed tribal activity has significant environmental impact, it should be required to develop a full environmental impact statement. An abbreviated version of this document is called a across the United States

EPA: Environmental Protection Agency. This agency is federal. They have regions all across the United States.

FEDERAL OR STATE RECOGNITION: Federal government or states applying restrictions of use on behalf of the Indians.

FEE SIMPLE: Land under which the owner is entitled to unrestricted powers to dispose of property, and which can be left by will or inherited. Commonly a synonym for ownership. Subject to taxation.

FEE-TO-TRUST: Fee land claimed by the Department of Interior and title taken as trust land for the benefit of an Indian Tribe – Not subject to taxation

RESTRICTED FEE LAND: Tribe or individual holds title but with legal restriction against alienation or encumbrance

ICRA: Indian Civil Rights Act of 1964

ICCA: 1946 Indian Claims Commission Act was passed in an attempt to put an end to all Indian Land Claims. This act was originally set to end in 1951 but was extended to the 1970's. Any claim that was or could have been filed was supposed to be final. For more information see Attorney Randy Thompson's "50 Years Beyond".

INDIAN ISSUES AFFECTING LOCAL GOVERNMENTS

ARE YOU PREPARED?

- Sales and Property Tax**
- Law Enforcement**
- Fire and Rescue**
- Building Codes**
- Social Services**
- Resource Allocation (water rights, etc)**
- EPA Treatment as States (TSTS)**
- Environmental Justice**
- Fee to Trust**
- Land Use Planning**
- Enforcement of Agreements and MOU's**
- Land Claims**
- Jurisdictional Boundaries**
- Off-Reservation Hunting and Fishing**
- Rights of Ways and Easements**
- Casino Gambling**
- Economic Development**
- PILT (payment in lieu of taxes)**
- Voting Rights and Voter ID**
- Sacred Sites**
- Tribal/State Compacts**
- Federal Agency Indian Offices**
- Tribal Money Influence on Local Officials**
- Government Dependence Tribal Funds**
- Infrastructure**

must be prohibited on the territory. There cannot be both. So we need to say this--**as long as there is tribal sovereignty (which is territorial in nature) there cannot be individual rights on the reservations. There cannot be both.** At some point a choice must be made. Do we return to the Constitution or stay with Dred Scott?

Sherrill has brought this confrontation to a head. The Supreme Court has ruled that the Oneidas are to be treated as state citizens by citing *Felix v. Patrick* (1892). If they are state citizens they have individual sovereignty. Tribal recognition then revokes state citizenship by federal law exactly as allowed by Dred Scott. To enforce the tribal recognition the tribes must be territorial sovereigns to avoid the constitutional conflict between the federal and state governments. As Dred Scott laid out, once a tribe is recognized and on federal territory the feds are an absolute sovereign over that area. But now in Sherrill there is no federal territory and arguably no way to get there, at least without arguing Dred Scott was the right decision--good luck.

There cannot be tribal sovereignty and individual sovereignty.

We must choose. Either all people are persons entitled to individual rights or the feds can take away anyone's rights by reclassifying their citizenship. If they can do it for the Indians they can do it against anyone. And against me they did, using the Navajo Agreement in a state court. Please notice the overlap to the Hawaiian situation as well as to tribal recognition. Every time they recognize a tribe or a new group as being sovereign they are taking away the state citizenship of everyone contained in the group. They are literally removing their individual sovereignty as defined by our Framers.

My argument works by using the 14th Amendment to reinforce state citizenship with equal protection of the law on the rights side. The structural side was preventing the land from being defined as territory by defining the land status up front in every suit. Now it has all come together in Sherrill and from Sherrill into all of the (pending) cases."

IGRA: Indian Gaming Regulatory Act. The 1988 Act requires land purchased for a casino after 1988 (Turning Stone land was purchased in 1992) must be held in trust by the U.S. Government. During May DC meeting with Mr. Skibine, the Director of Indian Gaming Management, he explained that even though the Turning Stone land is not held in trust as long as the DOJ is suing the state and local governments on behalf of the Oneidas they consider it legal.

IRA: Indian Reorganization Act of 1934 entirely reversed the process of assimilation and created reservation political and economic systems that remain to this day. This act left non Indians, that had legally purchased allotted land from Indians, as fee owners in the middle of a reservation. This act did not require tribes to provide tribal members with the full protection of the U.S. Constitution. Congress also allowed (and still does allow) tribes and the BIA to discriminate in favor of tribal members.

NCAI: National Congress of American Indians. An organization of Indian tribes from across the nation that meet regularly to further Indian Issues and lobby state and local governments.

NEPA: National Environmental Policy Act. When land is placed into "trust" for the specific use of a proposed Casino, IGRA requires compliance with NEPA.

NIGC: National Indian Gaming Commission – The Commission's primary purpose is to regulate gaming activities on Indian lands for the purpose of shielding Indian tribes from organized crime and other corrupting influences; to insure that Indian tribes are the primary beneficiaries of gaming revenue; and to assure that gaming is conducted fairly and honestly by both operators and players.

SCIA: Senate Committee on Indian Affairs: United States Senate Committee that reviews Indian bills.

HOUSE RESOURCES COMMITTEE: House of Representatives Committee that reviews Indian bills.

TSTS: Treatment Similar To States. A federal policy exercised by EPA, IRS and other federal agencies wherein an Indian tribal government is treated in a manner similar to a state. The net effect of this policy removes state authority from Indian reservations, so this acronym is perceived as *Treatment Superior To States*.

TRUST LAND: Land held in title by the United States Government as a fiduciary for the Indian Tribe. The reason that there are no taxes on trust land is that it is actually owned by the Federal Government. Trust land cannot be mortgaged without permission of the BIA

USET: United Southern and Eastern Tribes, Inc. An organization of Eastern tribes of Indians. The president of this organization is Keller George of the New York Oneidas

FOLLOW THE MONEY
CAMPAIGN DONATIONS

Across the country the “general treasury” of federally recognized Indian tribes is predominantly funded by Federal taxpayer funds targeted for the direct benefit of programs and services to enrolled tribal members and their families. However, Indian tribes are now taking U.S. taxpayer dollars from their general treasury funds, and using these taxpayer dollars to line the pockets of elected officials, lobbyists and legal counsel to further any whims and desires they might solicit from Congress, federal agencies or state legislatures.

Untaxed Indian gambling revenue and U.S. taxpayer dollars are the two primary sources of funds that some 562 federally recognized tribes utilize.

Do the math here: 562 federal tribes plus over 400 Indian gambling casinos equals 962 separate untaxed or tax-funded bottomless pits of political clout to overwhelm the elected officials and constituents in 37 states that have Indian reservations. With nearly 200 other tribes awaiting federal recognition, and at least 100 more Indian casinos coming online in California alone, 18 more casinos coming to Washington State and God knows where else, the Indian financial laundromat is exploding.

We deeply hope that journalists will investigate and expose this abuse of tax-exempt funds, and abuse of taxpayer’s funds. Surely someone will sound the alarm to the American public that Congress is becoming an indentured servant to Indian tribes.

"As to sovereignty, this is what the federalism argument addresses. It is the return to the Framers' view of sovereignty embodied in the Constitution. So that there are three sovereigns-federal, state and individual sovereignty. And the greatest was to be individual sovereignty because this is what the concept of self-governance is based on. But the Dred Scott decision changed all the Framers' definitions of sovereignty deliberately placing territorial sovereignty as separate from state sovereignty and rendering personal sovereignty completely subject to the federal government's sovereignty. The Dred Scott decision is overruled but the sovereignty definitions have not been corrected in the law. The argument needed to be made is to correct this problem which means in this case is to define the various sovereignties.

Here it is in its simplest form. Dred Scott made the federal sovereignty much more supreme than the Framers intended. The Court did this by altering the other two definitions. They severed territorial sovereignty from state sovereignty. Up until Dred Scott, territorial sovereignty was considered to be the precursor of state sovereignty and the feds owed a duty to the future state to protect its future rights and to grant all the authority of the original 13 colonies to the new state upon statehood. This is as it was defined in Pollard's Lessee v. Hagan. Personal or individual sovereignty was the concept of inalienable rights from God. Personal sovereignty is the divine right in our system. Dred Scott changes this by placing individual sovereignty as nothing more than citizenship rights defined by the federal government. With these changes you change the entire structural framework of the Constitution as enforced in the courts.

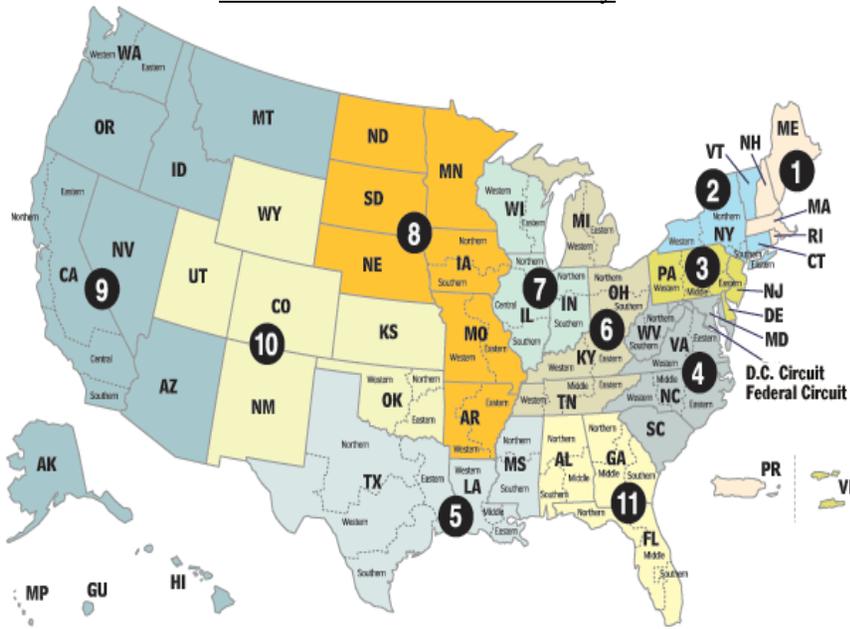
So to fix it we bring the confrontation between the original definitions and the Dred Scott definitions. Since Dred Scott was as much about Indians as it was Negro slaves this is very easy. To retain territorial sovereignty individual sovereignty

Federal Court System

Entry Level Federal Courts Courts across the country

Circuit Courts

11 Circuits Across the Country



United States Supreme Court

One Location

Washington DC.

9 Justices appointed for a lifetime

An appeal to SCOTUS is not guaranteed

The court only accepts about

100 cases per year out of

7000 applications.

Criteria for acceptance of a CERT

Constitutional conflict

Or

Conflict between Circuits

Or Both

FOIA

The Freedom of Information Act (5 U.S.C. § 552) establishes the public’s right to request existing records from Federal government agencies. Any person, organization, business or state and local governments can file a FOIA request. Also each state has an open records law that can be used to request records from state government agencies.

Sample Letter

Certified Mail

Address of agency from which you are requesting records

Dear:

State that pursuant to the Freedom of Information Act 5 U.S.C. § 552, you request access to and copies of:

--description of the records you are requesting
and from what agencies—

You may request what form you would like the records sent in.

State that you agree to pay a certain amount but would like to be notified if the estimated cost exceeds that amount.

State that you will expect a reply within 20 days as the Freedom of Information Act 5 U.S.C. § 552 requires.

State that if your request is denied in whole or in part, that you request a justification of those exemptions.

State that if this agency does not maintain these records, please let you know who does.

Sincerely,

Include a phone number or email address for communication

THREE SOVEREIGNS ESTABLISHED BY THE CONSTITUTION

● INDIVIDUAL

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

14th amendment

● STATE

The Powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people

10th, amendment

● FEDERAL

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the junction of two or more states, or parts of States without the Consent of the Legislatures of the States concerned as well as of Congress.

The Congress shall have Power to dispose of and make all needful rules and regulations respecting the **Territory** or other Property belonging to the United States; and nothing in this Constitution shall be construed as to prejudice any Claims of the United States, or of any particular state

The United States shall guarantee to every state in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence

Article 4 Sections 3 and 4

Representatives and direct Taxes shall be apportioned among the several states which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding **Indians not taxed, three fifths of all other persons...**

Article 1

Indian Tribal Sovereignty

What constitutional powers establish Indian Sovereignty and allow government to eliminate constitutional rights in Indian Country?

- 1. Commerce Clause - regulates commerce, NOT LAND**
- 2. Property Clause - regulates Federal territory**
- 3. Treaty Clause – Federal Treaties**

Three Branches of the Federal Government

LEGISLATIVE BRANCH

CONGRESS

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives

Senators and Representatives

EXECUTIVE BRANCH

President & Cabinet

The executive power shall be vested in a President of the United States of America. He shall hold his office during the Term of four Years...

Secretary of Interior – Attorney General

JUDICIAL BRANCH

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish

9 Lifetime Justices