

# The Effects of the Failed Federal Indian Programs Since 1924

## 1

### Introduction

This article discusses the oath of office required of elected and appointed officials involved in Federal Indian Programs. **From the U.S. Constitution, Article VI, clause c. Oath of office; no religious test. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.**

One cannot help but recognize the prominent, if not overwhelming, role federal legislation plays in the direction and control of one specific ethnic group, certain American Indians and their tribes that become federally recognized. This designation is dependent upon a number of factors congressionally established, the most important of all being the requirement for membership in a recognized tribe of a certain blood quantum of that tribe in the individual. The office of the President, all of his appointed staff in the Executive branch and other appointed and elected officials all live and work under Federal Indian Policies that support and back up the Federal Indian Programs established and continued by the Congress.

This series, The American Indian Dilemma, has proven beyond a doubt that a number of UNCONSTITUTIONAL END RESULTS of certain Federal Indian Programs exist and have created a great deal of conflict between the various levels of government, between tribes and citizen groups, and significantly damaged the status of each and every American citizen through the denial of and taking away of certain individual citizens right guaranteed by the U.S. Constitution. The fact that such a conflict and the taking away of Constitutional Rights of individual citizens has occurred and continues, places those federal legislators voting for and or voting to continue federal Indian Programs with unconstitutional end results, in the unenviable position of violating their oaths of office and failing to live up to their public trust obligations. Also, such conduct is outside their sphere of legitimate and Constitutional authorized legislative duties so they can not claim any immunity from suit over these trespasses against citizens. This series, to date, has covered the topics involved in these trespasses but has neglected to touch upon the disastrous effects these failed Indian programs are having on our nation. The National Impact starts with the federal government's environment that allows any action that is disobedient to the Constitution of the United States and a citizenry that fails utterly to conduct any oversight to catch and stop the misconduct of the Congress.

This environment is and has been adversely effecting our NATIONAL SECURITY, our REPUBLICAN FORM OF GOVERNMENT, and AMERICAN CULTURE AND CITIZENS SOVEREIGNTY.

## 11

### **Federal Indian Programs Effects Upon The National Security**

In simple terms, when there are over 560 “sovereign” tribal governments, none of which are Republican in form, within our Constitutional Republic, the United States of America, great conflict and chaos has and continues to occur between a number of our units of government that are republican in form and a majority of the “sovereign” tribal governments which are not republican in form. These tribal governments act like foreign governments and indeed constitute an intestine conspiracy against the Body-politic within each state involved. The tribal members are all citizens of the U.S. and the state they live in, yet their tribal governments both tax and governmentally control non tribal members who live and or work within Indian reservation boundaries and they have no ability to vote on issues much less be a part of the discussion on matters before the tribal governments vote on the issues. Non tribal residents and or workers on reservations are confronted with a major loss of Constitutional Rights.... BELIEVE IT OR NOT.

Our forefathers warned us about the mixing of forms of government within our nation and our Constitution reflects this understanding. We citizens are guaranteed the right to live under a republican form of government and states are directed to assure that this occurs and continues. Read Article IV, Sec. 4 , of our Constitution. Forgetting history members of the federal government dreamed up this act and the Congress passed the 1934 Indian Reorganization Act, which in fact started this foul attack upon our Constitution, American Culture and citizen sovereignty. This piece of legislation and much of its progeny have documented UNCONSTITUTIONAL END RESULTS

The major effect upon our national security really started when tribes with federal reservations that bordered Mexico and Canada, began smuggling people into the United States bypassing immigrations authorities and in fact not allowing any federal agents onto the reservations to control immigration matters. This series presented a paper that fully exposed this problem in January, 2002, entitled TRIBES DENY ACCESS TO FEDERAL LAW ENFORCEMENT OFFICIALS. The problem with the Mohawk tribe in New York continues and is really compounded by the Canadian portion of this tribe, occupying the area just across the border from the New York Mohawks. The same type of problem exists with the Nooksack tribe on the U.S side of the border and the Skyway Indians of Canada, kin to the Nooksack tribe. Many such relations and criminal activities

are occurring along the Canadian/U.S. border, and of course, the U.S. and Mexican border.

The facts, places, and frequencies of these criminal activities and the general failure of state and federal officials to stop and reverse these problems, is notorious in nature. When a country's borders are not secure, as it is now in the United States of America, and that country is in the beginning stages of a real and dangerous war on an elusive yet identified terrorist group supported by a few nations in our world, one can really observe and see the underpinnings of our great nation deteriorate and directly relate this fact to an on going INTESTINE (meaning from within the U.S.A.) CONSPIRACY INVOLVING both Federally Recognized tribe and their supporters( all citizens of the U.S.), the Indian Industry. It is at this point when reasonable citizen ask the question of those responsible for our nation's security, why haven't you employed 50 U.S. Codes and especially the Exon-Florio Provision and took note of the subsection that would allow the use of this sub section by a government official if *there is credible evidence that a foreign entity exercising control might take action that threatens the national security, etc..* 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. Our forefather fought the Revolutionary War, in part over taxation without representation. We are there again and this issue is but one of the unconstitutional end results of certain Federal Indian Programs. This becomes a very nasty topic around the beltway in Washington D.C. and the innards of the Congress. Why is this so, because it is the OATH TAKERS of the Congress that created and continues those federal Indian programs that this series identified UNCONSTITUTIONAL END RESULTS therein.

Among other Acts that should be employed to stop this particular INTESTINE CONSPIRACY, we find the USA Patriot Act of 2001, the Intelligence Reform and Terrorism Prevention Act of 2004, the Homeland Security Act of 2002, and RICO, of Title 18 fame, Chapter 96, Racketeer Influence and Corrupt Organizations.

Many tribal donation to certain oath taking officials coffers could well be the influencing spirit of such oath takers when confronted with issues involving tribes and those well established UNCONSTITUTIONAL END RESULTS of certain Federal Indian programs.

All of the turmoil caused by the tribes acting as if they are indeed sovereign and above the US Constitution and laws is damaging our National Security : let us remember John O'Brien's, Syracuse Post Standard, December 30, 1999, "**Hundreds Enter Through Reservation, officials say**" This 20 column inch article narrows the problem. Of note: "Federal agents patrolling the United States' northern border know that hundreds of illegal aliens each month have slipped into the United States from Canada through the Akwesasne Mohawk Indian Reservation." ... Federal agencies and state police have beefed up patrols and sent helicopters equipped with infrared searching devices to pay close attention to the reservation in northern New York. Akwesasne is off limits to U.S.

and Canadian agents because it is sovereign "In recent years, between 300 and 500 illegal aliens a month have entered the United States through Akwesasne, according to officials with the U.S. Border Patrol and the Customs Service. Each year there are one or two people considered suspected terrorists." ... "Over the past two years, more than 400 people have been charged as illegal aliens or alien smugglers after being caught entering the United States ". This quote and much more on this subject can be found in this series in the article titled TRIBES DENY ACCESS TO FEDERAL LAW ENFORCEMENT OFFICIALS.

### III

#### Federal Indian Programs Effects Upon Our Republican Form of Government

When 562 (at last count) federally recognized tribes, each claiming and being treated as a separate sovereignty within the U.S.A., are able to tax and governmentally control citizens of the state that tribe resides in, because they live and or work within that tribes reservation boundary, our Republican form of Government Constitutional requirements are not in effect: those requirements are voided out by the requirements of the 1934 Indian Reorganization Act and its progeny. This means the oath takers of the Congress of the U.S.A. have created and sustained **DISABLING LEGISLATION THAT OVERRIDES THE U.S. CONSTITUTION : IT MEANS WE ARE NOW BACK TO 1776, UP AGAINST A TYRANT AND BEING TAXED AND CONTROLLED WITHOUT REPRESENTATION.** The effects upon our government and in particular, our form of government, are disastrous and outlined below.

The unconstitutional end results of federal Indian programs include,

- Certain Indian tribes both **tax and governmentally regulate** citizen and businesses residing and or in business within original or former exterior boundaries of Indian reservations. This is a violation of Article IV, section 4, of the U. S. Constitution. Tribal governments are not Republican in Form.
- The U. S. Government is specifically and to the exclusion of all other religions, **protecting and supporting Indian religion** (for American and Alaskan Indians) through the authority of Public Law 95-341, 95<sup>th</sup> Congress, approved August 11,1978, and other federal actions. This violates the First Amendment of our Constitution.
- The U. S. Government is specifically and to the exclusion of all other cultures, protecting, **supporting and the enhancement of Indian culture** (for American and Alaskan Indians) through the authority of the Concurrent Resolution (100<sup>th</sup> Congress 2cd Session, H. Con. Res. 331) and other federal action. This legal recognition of a special status for a specific class of citizens violates the equal protection clause of our Constitution to begin with.

- Since the 1924 Indian Citizenship Act, **the U. S. Government has owned and or held in trust lands for the use of certain American citizens of certain American Indian descent.** The federal land acquisition for Indian tribes (this include Alaskan Indians) since the 1924, has escalated geometrically over the years and when coupled with other federal Indian programs and benefits, passed by the Congress and or established by the other elements of the federal government, great dissention and conflict has developed between tribal governments along with their supporters (the Indian Industry) and other citizens and Constitutionally recognized governments of the U. S. of A. .There is a distinct absence in our Constitution and other early documents of our history, of any power being delegated to the federal government to own and hold in trust any lands for the use of any subdivision (like ethnic, racial, political etc.) of our citizenry.
- The U. S. Government is specifically and to the exclusion of all other ethnic, racial and political groups, **protecting certain American citizens of American Indian descent and their tribes as guardians protecting its wards,** through what the federal government has conceived, fabricated and follows as a **trust doctrine..** a duty the federal government owes this particular group of American citizens, stemming from certain treaties and dicta from chief Justice John Marshall's early decision, *Cherokee Nation v. Georgia*, 30 US 1 (1832). In truth there is a complete lack of delegated power and authority or even a hint of such delegation, from the several states to the federal government through the Constitution and or the Articles of Confederation. It is federal fabrication without Constitutional authority. The assumption that the old kingly and sovereign duty called *parens patriae*, indeed operational under King George III, was somehow passed on in the common law to the colonies or to the several states through the treaty with King George III, is both absurd and false.

Clearly certain federal Indian programs have and continue to dismantle our  
REPUBLICAN FORM OF GOVERNMENT.

## V

### Federal Indian Programs Effects Upon American History, Culture and Citizens Sovereignty

Regarding American History and culture we should remember what our own Declaration of Independence tells us :

The Declaration of Independence, July 4, 1776 where it points out what King George III had been doing:

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

Similar descriptions of Indians and their tribes continue on in the literature well into the late 1800's, it is difficult if not impossible to understand how and why the tribes insist that our Constitution recognizes them as sovereigns and eligible for the special consideration given them through the 1934 Indian Reorganization Act.

The Indian Industry(movement) has for decades been trying very hard to make American citizens in general feel guilty for what "they" did to "them". It doesn't take a brain surgeon to figure out that the pillage, rape, theft, cheating, stealing of property, fighting, killing and hurting of people, that effected Indians and their tribes also effected the common citizen and other immigrants that moved to the west or lived in the west--- the rancher, the farmer, the Mexican property owners and or residents of the southwest, just to mention a few categories. People of all colors, races, and religions, NOT JUST INDIANS, were affected by the lawlessness, wild and uncontrolled criminal activity during this time in our history. The cause was equally as clear. Both levels of Constitutional governments (states/territorial-to include local-and federal) were small, very limited and unprepared for such a massive and rapidly moving force as the migration of peoples to the west. The damage being created by the continuing of this myth, the guilt complex placed upon "whites" by disinformation stemming from the Indian industry(the lawyers, consultants, advisers, academics and others, making a living assisting tribes) is growing and may well damage many of the good things that industry has accomplished.

As to our relationship, white citizen (person) and the citizen with American Indian blood, please note... *"Our [BIA] research revealed that most Native Americans view the white man as a deceitful, avaricious, exploitive mass murderer, just as their ancestors did. It remains unclear why, in an age when so much of their culture has been lost to time, this tradition remains as strong as ever."* - James Cason, *Interim Assistant Secretary for Indian Affairs ("The Onion," May 4, 2006).*

Here are some facts laid out by Judge F. J. Martone, in his Law Review article (51 Notre Dame L.600 (1975-1976) regarding this relationship.

"The United States is in the midst of a new civil war. Unlike the last civil war, it is not between the states and the union; rather, it is a challenge by American Indian tribes against the states and the United States. Unlike the last one, this civil war has seen many of its battles occur in state and federal courts. Though the war began when the first white men settled on the North American continent, and has continued unabated to the present, the struggle has reached a new stage in which the Indian tribe rather than the settler is on the offensive. This new offensive has been a fertile source of legal issues of which the most basic is the question of tribal sovereignty."

The effects of the current and long established Federal Indian programs created and continued by the U.S. Congress have devastated the tribes themselves and denied certain Constitutional rights to all of the citizens involved, to include the tribal members. As Paul Jones so aptly stated, "Indian tribal reservations/enclaves harbor animosities and engage in conduct incompatible with Constitutional tenets and are a Petri dish for fermenting strategies to disrupt and dismantle the internal integrity and national security of the United States by establishing 'Indian sovereign nations' within the United States contrary to Article IV, Section 4" of the U.S. Constitution.

The Representatives and Senators of the various Congresses involved themselves have violated their oaths of office and ignored their Public Trust duties every time they support or simply acquiesce when they pass the legislation that results in UNCONSTITUTIONAL END RESULTS. At one time I thought Senator Night Horse Campbell was the premier Senator Shepharding the Indian causes in the U.S. Senate, but Allogan Slagle, a former Interior Solicitor and now deceased, during the 1990', worked with Assistant Secretary Ada Deer and others at that level, left an interesting history behind that points out Senator John McCain's real interest in Indian affairs and sovereignty. This is a brief quote from a 16 page document.

**A Moratorium on Justice: a Legacy of Termination Policy in Federal-Indian Relations**

by Allogan Slagle

The briefing book quietly circulated, and was cited in support of a modest bill called the Privileges and Immunities Amendments to the Indian Reorganization Act (hereafter, IRA), as a rider to the Technical Corrections to Interior Appropriations Bill for 1994. This briefing book circulated quietly at first in Indian country, then was cited freely in emergency meetings in D. C. and in field hearings in New Orleans and other cities in April of 1994, pressing for immediate legislative relief, in the passage of the Privileges and Immunities Amendments to the IRA. Sen. McCain, during the floor colloquy before passage of the Bill on the consent calendar, declared this "the single most important legislation" relating to defense of tribal sovereignty in 60 years (since the IRA of 1934 passed); the Act of May 31, 1994, Public Law 103-263, Sec. 5 (b), 108 Stat. 709, codified at 25 USC 476, provides:

(f) Privileges and Immunities of Indian tribes; prohibition on new regulations

Departments or agencies of the United States shall not promulgate any regulation or make any decision or determination pursuant to the Act of June 18, 1934 (25 USC 461 et seq., 48 Stat. 984) as amended, or any other

Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian Tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.

This amendment wiped away the distinction between historic tribes who did get certain lands and governance authorities and the many tribes whose treaties were different in that the tribe did not get lands and governance authorities. The non-historic tribal members were themselves, as individuals or families, given restricted fee lands and when the land was vested in the Indian, the state laws and rules became effective. There is no evidence of a public hearing regarding the elimination of historic and non-historic distinction of tribes, It really turns out that Senator McCain is and has been the Indians champion. This amendment is known as the tribal EQUAL FOOTING DOCTRINE and is one of the reasons for the escalation of discontent and piecemeal destruction of our republican form of government in the U.S.A.

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Revised July 19, 2006