

1 Paul R. Jones
2

3
4 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
5

6
7 Paul R. Jones
Plaintiff Pro Se

8
9 vs.

10 Tribal Defendants: Salt River Pima-
11 Maricopa Indian Community, Eric
Vimmerstedt, Sharon Carl, Janet
12 Lacapa, Michael LaLonde, Bryan
13 Meyers, et al
14 and

15 The State of Arizona and Elected
16 Defendants: Janet Napolitano, Governor
of the State of Arizona; John McCain,
17 Senator of the State of Arizona; Jon
18 Kyl, Senator of the State of Arizona;
House of Representatives for the State
19 of Arizona Congressman Jeff Flake, Ed
20 Pastor, Robert Stump, John Shadegg,
Hayworth, John Hayworth, Raul M.
21 Grijalva and 51% of the un-named
22 Senators and Congressman in the State
of Arizona's legislature, and 51% of the
23 un-named United States Senate and
24 House of Representative elected
25 members of the remaining 49 States,
Territories and Protectorates that have
26 voted for legislation prospering,
27 maintaining, impacting, amending or
28 changing Title 25 U.S.C. and its
progeny et al
Defendants

) 20 Count Complaint:

) Violation of Plaintiff's conceded
) Constitution protections of his First,
) Fifth, Ninth and Fourteenth
) Amendment rights by the Tribal and
) Elected Defendants.

1. Tribal Defendant's violation of 18
U.S.C. section 241 and section 242 and
section #1961 (1) Section 1344, Section
1503, Section 1512 and Section 1513.
2. Elected Defendant's violation of the
United States Constitution's, Article I,
Section 8, Clause 3, Commerce Clause;
Clause 8-Titles of Nobility (also see
Article I, Section 10, Clause 1-Titles of
Nobility) and Treaty Clause; Clause 17-
Property Clause, Clause 18-Necessary
and Proper Clause; Article I, Section 9,
Clause 3-No Bill of Attainder; Article
IV, Section 4-The United States shall
guarantee to every State in this Union a
Republican Form of Government;
Article VI, Clause 2-Treaty and
Supremacy Clause; Article VI, Clause
2-Oath of Office and the First
Amendment-Congress shall make no
law respecting an establishment of
religion and Plaintiff's rights to petition
the government for a redress of
grievances, *Bolling v. Sharpe*, 347 U.S.

INTRODUCTION

“Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.” Miranda v. Arizona, 384 U.S. 436, 491. (1966).”

LEGAL DISCUSSION

The Elected Defendant’s have applied multiple fallacious logic arguments to *“...pile inference upon inference...” United States v. Lopez, 514 U.S. 549 (1995)”* in the perpetuation of an Indian Doctrine hoax. This hoax can be described as thimblorig!

As the result of The Indian Citizenship Act of 1924 (Cite as 43 U.S. Stats. At Large, Ch. 233, p. 253 (1924)), the Elected Defendant’s enacted **disabling legislation** that trespassed against Plaintiff’s First, Fifth, Ninth and Fourteenth Amendment rights as well as violation of the United States Constitution’s, Article I, Section 8, Clause 3-Commerce Clause; Clause 8-Titles of Nobility (also see Article I, Section 10, Clause 1-Titles of Nobility) and Treaty Clause; Clause 17-Property Clause, Clause 18-Necessary and Proper Clause; Article I, Section 9, Clause 3-No Bill of Attainder; Article IV, Section 4; Article VI, Clause 2-Treaty and Supremacy Clause; Article VI, Clause 2-Oath of Office and the First Amendment-Congress shall make no law respecting an establishment of religion, *Bolling v. Sharpe, 347 U.S. 497 (1954)* and the Tenth Amendment.

The Plaintiff argues the disabling legislation enacted by the Elected Defendant’s found in Title 25 U.S.C. and its progeny-inclusive of the June 18, **1934** (48 Stat.

1 984) **Howard-Wheeler Act** or **Indian Reorganization Act**-are 1. **Invidious Racial**
2 **Classification Discrimination Enactments** that 2. **Subordinate the United**
3 **States Constitution to a tribal community**, that has been prospered, aided, and
4 maintained since 1924 by the Elected Defendant's **did create an un-**
5 **Constitutional end result** where the Plaintiff had his First, Fifth, Ninth and
6 Fourteenth Amendment rights as a full-time employee of the Salt River Pima-
7 Maricopa Indian Community (henceforth SRPMIC) abrogated in their entirety by
8 both the Tribal Defendants and Elected Defendants. (Emphasis added by Plaintiff)
9

10
11 Plaintiff argues the Tribal Defendant's operating under the un-Constitutional Title
12 25 et. al. did trespass against the Plaintiff conceded Constitutional rights to be free
13 from race and age discrimination, harassment, retaliation and defamation. This is
14 in violating 18 U.S.C. section 241 and section 242 and section #1961 (1) Section
15 1344, Section 1503, Section 1512 and Section 1513. SRPMICs own pretend
16 constitution prohibits any conduct in violation of the Constitution.
17

18 Plaintiff-as one of four buyers for SRPMIC and within days of his employment-
19 immediately identified on-going and chronic violations of Federal Purchasing
20 Procedures with unauthorized expenditures using PL 93-638 funds. Plaintiff's
21 verbal and written complaints about these violations were met with punishment by
22 Ms. Lacapa, a Hopi, with the aide of Ms. Carl, also a Hopi. This was done in the
23 form of negative comments in the Plaintiff's performance evaluations from
24 unknown accusers whose identities Ms. Lacapa refused to reveal to the Plaintiff
25 even after his written objections to such malicious conduct.
26

27
28 Ms. Lacapa, with the continuing aide of her accomplice-Ms. Carl, continued with
harassment to include a written statement in the Plaintiff performance evaluation

1 that because he was not an Indian he didn't understand the "Indian ways" as well
2 as saying Plaintiff was too old to learn SRPMICs computer. Plaintiff filed a race,
3 age, retaliation, harassment and defamation complaint with SRPMICs Human
4 Resources which senior management rebuffed resulting in intensified racially
5 motivate punishment in the form of written complaints place in the Plaintiff's
6 personnel file for innocuous issues to include falsification of Human Resources
7 personnel records to place the Plaintiff on extended probation.
8

9
10 Plaintiff complained both verbally and in writing to Mr. Vimmerstedt-Ms. Lacapa
11 and Ms. Carl's supervisor-and Mr. Vimmerstedt's supervisor, Mr. LaLonde,
12 Acting Community Manager and to SRPMICs Council to no avail. Plaintiff also
13 complained both verbally and in writing to Mr. Bryan Meyers, who replaced Mr.
14 LaLonde as Acting Community Manager, to no avail. Plaintiff continued to be
15 punished with racially motivated written complaints. Plaintiff was also given
16 additional work from another buyer who had been terminated even though he was
17 receiving frequent formal complaints from Ms. Lacapa about his unsatisfactory job
18 performance as well as unsubstantiated and quantifiable complaints from unknown
19 accusers about his job performance.
20

21 Plaintiff's race, age, retaliation, harassment and defamation complaint first filed
22 with SRPMICs Human Resources previously alluded-to resulted in an incomplete
23 investigation; Plaintiff finally filed the same complaint in SRPMICs pretend Court.
24 Ms. Lacapa threaten Plaintiff with disciplinary action if he spoke with his Tribal
25 advocate and or SRPMICs trial court judge during work hours but no such work
26 hour restrictions re. speaking with trial court and or counsel, were placed on Ms.
27 Lacapa, Ms. Carl, Mr. Vimmerstedt or Mr. LaLonde.
28

1 Plaintiff filed an Obstruction of Justice compliant with SRPMICs pretend
2 prosecutor against Lacapa, Carl, Vimmerstedt and LaLonde named in his SRPMIC
3 suit as the Plaintiff believed Lacapa's threats of punishment for speaking with the
4 pretend trial Court and or Plaintiff's SRPMIC advocate as being obstruction of
5 justice, intimidation of a court actor and retaliation. SRPMICs pretend prosecutor
6 denied the Obstruction complaint without hearing any evidence-oral or written
7 arguments-citing the issue was Administrative.
8

9
10 Plaintiff filed a Motion for Injunctive Relief in SRPMICs pretend trial court
11 against Lacapa, Carl, Vimmerstedt and LaLonde to stop their threats of punishment
12 for speaking with either the tribal court or his advocate during the work day but
13 received no response. Plaintiff filed a Writ of Mandamus with SRPMICs pretend
14 chief judge. Again, no response. Plaintiff was terminated one week after filing his
15 Mandamus for allegedly 'wasting' company time in speaking with SRPMICs court
16 and or advocate. In addition, Administration used fabricated performance issues to
17 bolster Plaintiff's termination. The termination did not comply with SRPMICs
18 published personnel policies.
19

20 During a pre-trial hearing at SRPMICs pretend court, Plaintiff discovered the Pro
21 Tem trial judge did not receive his Motion for Injunctive Relief. The trial judge
22 refused to address this issue vigorously raised by this Plaintiff and his advocate
23 over the objections of the Defendants. **Judge ruled in January 2003 that**
24 **SRPMIC and its agents have ABSOLUTE SOVEREIGN IMMUNITY from**
25 **suit even in their own court and dismissed Plaintiff's case.** (Emphasis added by
26 Plaintiff)
27
28

1 Trial court judge failed to conduct any investigation on why the Plaintiff's Motion
2 for Injunctive Relief was withheld from the trial court judge as well as what
3 happened to his Writ of Mandamus addressed to SRPMICs pretend chief judge.
4 Plaintiff believes the facts surrounding the judicial conduct of the Pro Tem trial
5 court judge who failed to investigate in any manner the whereabouts of Plaintiff's
6 Writ and Motion raises the specter the judge was either a collaborator or incredibly
7 incompetent or both. Plaintiff also believes that **ex parte** discussions took place
8 between SRPMIC administration personnel and the Pro Tem trial court judge
9 specifically regarding Plaintiff's case without Plaintiff and or his advocate being
10 present.
11

12
13 Plaintiff believes two or more SRPMIC persons, at the direction of unknown senior
14 SRPMIC Administration personnel, tampered with/withheld Plaintiff's Motion for
15 Injunctive Relief from the trial judge as well as Plaintiff's Writ addressed to
16 SRPMICs chief judge. Plaintiff argues such conduct by two or more SRPMIC
17 agents at the direction of SRPMIC violates Title 18 U.S.C. section 241 and section
18 242 and Section 1503, Section 1512 and Section 1513 and section #1961 (1)
19 Section 1344. Plaintiff argues these violations of Title 18 et. al. violate Plaintiff's
20 First, Fifth, Ninth and Fourteenth Amendment protections. Plaintiff immediately
21 filed an appeal with SRPMICs senior pretend court. That appeal is pending
22

23
24 During Plaintiff's termination hearing in March 2003 that lasted 2-1/2 days, Ms.
25 Lacapa again refused to identify Plaintiff's unknown accusers. Ms. Lacapa said
26 that upper management would not permit her revealing their identity. Termination
27 hearing board personnel refused Plaintiff and his advocate's repeated requests to
28 pursue this 'refusal' issue with Ms. Lacapa. The board members did not determine
how much time Plaintiff allegedly 'wasted' in speaking with SRPMICs pretend

1 court and or his advocate but upheld his termination anyway on those grounds.
2 Repeated requests by the Plaintiff to the termination board members throughout the
3 hearing to investigate reasons why chronic tardiness and late arrival by Ms. Carl
4 went unpunished by Ms. Lacapa while Plaintiff had his performance evaluation's
5 attendance section routinely marked in the negative were rebuffed.
6

7 Plaintiff repeatedly worked within the confines of SRPMICs Human Resources
8 published Personnel Policies, through both Acting Community Managers and
9 SRPMICs Council to protect his conceded Constitutional First, Fifth, Ninth and
10 Fourteenth Amendment rights and to stop the race, age, retaliation, harassment and
11 defamation by tribal Defendants was to no avail. Plaintiff sought his
12 Constitutional protections through SRPMICs pretend court system to no avail.
13
14

15 The State of Arizona, its elected Executive and Legislative Branches of
16 Government abdicated their Tenth and Fourteenth Amendment mandates to uphold
17 their Oath of Office per the Constitution's Article VI, Clause 2 to protect the
18 United States Constitution from encroachment by stealth and secure this Plaintiff's
19 First, Fifth, Ninth and Fourteenth Amendment rights from trespass by SRPMIC
20 and its agents who are citizens of the United States, residents of the State of
21 Arizona, participate in Arizona elections and can hold Arizona public office. The
22 Elected Defendant's via the **disabling legislation** of Title 25 et. al. created an un-
23 Constitutional end result whereby this Plaintiff had his conceded Constitutional
24 First, Fifth, Ninth and Fourteenth Amendment fundamental protections trespassed
25 against/abrogated in their entirety.
26

27
28 The State of Arizona's United States elected Congressional Senate and House of
Representatives as well as 51% of the un-named elected United States Senate and

1 House of Representative members of the remaining 49 States, territories and
2 protectorates of the Union have violated first and foremost Article IV, Section 4 in
3 enacting disabling legislation manifested in Title 25 U.S.C. and its progeny.

4 Secondly, 51% of the un-named Elected Defendant's violated Article VI, Clause 2-
5 Oath of Office, by the continued maintenance and prospering-since passage of The
6 Indian Citizenship Act of 1924 of this **invidious racial classification**
7 **discrimination enactment(s)** that **subordinate the Constitution to that of a**
8 **tribal community** resulting in an un-Constitutional end result as "*... there can be*
9 *no rule making or legislation which would abrogate them*" *Miranda supra*, of
10 Plaintiff's First, Fifth, Ninth and Fourteenth Amendment rights in their entirety, in
11 any manner or for any purpose inconsistent with the constraints of the Constitution.
12 (Emphasis added by Plaintiff)

14 Plaintiff argues that Elected Defendants who are subject to Article VI, Clause 2-
15 Oath of Office and are enrolled tribal members cannot bear allegiance to such a
16 tribe as that would run afoul of *Elk v. Wilkins, 112 U.S. 94 (1880)* and Article VI,
17 Clause 2.

19 Plaintiff argues the Elected Defendant's disabling legislation that brought to life
20 and preserves Title 25 U.S.C. and its progeny after The Indian Citizenship Act of
21 1924 created the following un-Constitutional end result that trespassed against this
22 Plaintiff's rights:

24 1. The 1924 Act makes moot the Commerce Clause reference to Indian Tribes as
25 there are no more Indians within the original understanding of the Constitution.
26 Justice Scalia sums up the notion of race within the Constitution as follows: ***In the***
27 ***eyes of government, we are just one race here. It is American.***" *Adarand*
28 *Constructors, Inc. v. Pena, 515 U.S. 200 (1995)*. *Bolling v. Sharpe, 347 U.S. 497*
(1954) forbids the Elected Defendant's from blood quantum based legislation

1 absent extremely narrowly written compelling government interests consistent with
2 *Korematsu v. United States*, 323 U.S. 214 (1944) and its progeny. Tribal enclaves
3 are 100% blood quantum based.

4 2. The Indian Citizenship Act of 1924 made all Indian treaties moot. The
5 Constitution provides for no treaties with its own citizens. The Elected Defendant's
6 violate the Treaty Clause by invoking said Clause in any legislation relating to
7 Title 25 et. al. Treaties are forbidden for domestic law making.

8 3. Article IV, Section 4 of the Constitution forbids the establishment of any
9 government not republican in form. Elected Defendant's disabling legislation in
10 Title 25 U.S.C. and its progeny that invoke any authority there is a "government to
11 government" relationship with tribes and the United States Government is fiction
12 and repugnant to the Constitution. Plaintiff argues this single violation of Article
13 IV, Section 4 by Title 25 U.S.C., is the most repugnant disabling legislation
14 perpetrated upon the citizens of the United States by the Elected Defendants. Title
15 25 U.S.C. and its progeny established a non-republican form of government in
16 tribal communities within the territorial borders of the United States whereby
17 selected citizens (Indians enrolled in a Federally Recognized tribe versus Indians
18 not so enrolled) of the United States have their rights **diminished and**
19 **subordinated** to a tribal community as well as **denying this Plaintiff the**
20 **Constitution's guarantee of Article IV, Section 4 to live under a Republican**
21 **form of Government.** This single violation is particularly egregious by the State
22 of Arizona who permitted this disabling legislation to survive a State of Arizona
23 challenge against Title 25 U.S.C. and its progeny as being a trespass against
24 Plaintiff Jones and in violation of the Tenth Amendment. The Elected Defendant's
25 disabling legislation re. Title 25 et. al., violates conceded Constitutional rights of
26 the Plaintiff and his family to live under Article IV, Section 4, a republican form of
27
28

1 government, and is sufficient to establish a cause of action for this District Court to
2 have jurisdiction of this case. (Emphasis added by Plaintiff).

3 4. The Elected Defendant's disabling legislation created in Title 25 U.S.C. and its
4 progeny a title of nobility. SRPMIC and its agents on the enclave have invoked
5 absolute sovereign immunity from suit in either SRPMICs or federal court citing
6 their alleged absolute sovereign immunity rooted Title 24 et. al. which runs afoul
7 of Article I, Section 8, Clause 8-Titles of Nobility.

8 5. The Elected Defendant's disabling legislation created in Title 25 et. al. tribal
9 enclave/reservation funded by the public treasury for the sole benefit and to the
10 exclusion of all others for SRPMIC which violates Article I, Section 8, Clause 17-
11 Property Clause.

12 6. The Elected Defendant's disabling legislation created in Title 25 et. al. an
13 enactment that violates Article I, Section 8, Clause 18-Necessary and Proper
14 Clause. The Elected Defendant's legislation must comply with the Constitution's
15 mandate to enact **only** legislation that is Necessary and Proper to fulfill their
16 Constitutional duties. Title 25 et. al. is not one of those duties! There can be no
17 legislation for specific blood quantum based selected citizens with Indian ancestry
18 (enrolled or not) for the sole benefit of these selected citizens funded by the public
19 treasury and public land largess citing the Commerce Clause or Treaty Clause or
20 Trust Responsibilities as all were made moot by The Indian Citizenship Act of
21 1924. .

22 23 7. The Elected Defendant's disabling legislation created in Title 25 et. al. a Bill of
24 Attainder in violation of Article I, Section 9, Clause 3-No Bill of Attainder. This
25 Plaintiff had his First, Fifth, Ninth and Fourteenth Amendment protections
26 disabled by the Elected Defendants while he was an employee on SRPMICs tribal
27 enclave without 'due process' consistent with Constitutional protections. That falls
28 squarely under 'pains and penalties' provisions of this Article.

1 8. The Elected Defendant's disabling legislation created in Title 25 et. al. an
2 enactment that violates Article VI, Clause 2-Treaty and Supremacy Clause. The
3 Treaty Clause will be addressed shortly. The Supremacy Clause affirms the
4 Constitution is just than-the supreme law of the land. "*Where rights secured by*
5 *the Constitution are involved, there can be no rule making or legislation which*
6 *would abrogate them."* *Miranda v. Arizona, 384 U.S. 436, 491. (1966).*" Title 25
7 et. al. disabled Plaintiff's rights secured by the Constitution by ostensibly placing
8 the Tribal Defendants outside of the reach of the Constitution including the Bill of
9 Rights and Fourteenth Amendment which violates this Article.
10

11
12 The Constitution's mantle of protection reaches throughout the United States.
13 There are no exemptions to the reach of this mantle absent Embassies of foreign
14 nations! Plaintiff argues neither SRPMIC, The State of Arizona, the Governor and
15 State legislative members plus elected Arizona United States Senate and House
16 members nor 51% of the elected United States Senate and House members of the
17 other 49 States of the Union can roam about the countryside and operate free from
18 the constraints of the Constitution as noted in the complaint section above by
19 creating disabling legislation in Title 25 U.S.C. and its progeny ending in an un-
20 Constitutional end result.
21

22 As a result of the Plaintiff's frustrated efforts to protect his Constitutional First,
23 Fifth, Ninth and Fourteenth Amendment protections within SRPMIC, Plaintiff
24 filed suit in federal court with a cause of action to seek vindication of his conceded
25 rights particularly the Constitution's Article IV, Section 4, against complete
26 abrogation/trespass of the Plaintiff's rights by SRPMIC and their agents, The State
27 of Arizona and 51% of the Elected Defendants both for the State of Arizona and
28 National legislators of the others States of the Union, territories and protectorates

1 who have voted to perpetuate this disabling legislation creating an un-
2 Constitutional end result manifested in Title 25 U.S.C. and its progeny since The
3 Indian Citizenship Act of 1924.

4 **PRAYER FOR RELIEF**

5
6 Consistent with the Constitution's Article III, Section 2 and Rule 11 of the United
7 States Supreme Court: Certiorari to a United States Court of Appeals Before
8 Judgment, 28 U.S.C. #2101(e), Plaintiff requests the District Court submit
9 Plaintiff's suit to the United States Supreme Court as having 1. Original
10 jurisdiction for adjudication RE. Treaty Clause and alleged assertion and recitation
11 of the Elected Defendant's there exists United States 100% blood quantum race
12 based treaties/executive order with SRPMIC and other Indian tribal
13 enclaves/reservations comprised of selected United States citizens with Indian
14 ancestry or, 2. Under the Supreme Court Rule 19: Procedure on a Certified
15 Question.
16

17
18 Notwithstanding Title 28 Chapter 81 Section 1251-Original Jurisdiction and
19 Chapter 85 Section # 1331-Federal Question, Plaintiff argues the Supreme Court of
20 the United States has authority per Article III, Section 2 and Rule 11-exercise of
21 Title 28 U.S.C. #2101(e), to execute a removal order to the District Court and to
22 adjudicate Plaintiff's case.
23

24 Tribal and Elected Defendants named in the Plaintiff's suit merit such focus by the
25 Supreme Court's mandate to protect the Constitution from encroachment by stealth
26 regarding Plaintiff's conceded First, Fifth, Ninth and Fourteenth Amendment
27 protections versus legislative enactments and or executive orders regarding Title
28 25 et al, resulting in this Plaintiff and his family being denied Article IV, Section 4

1 protections. No orders, rule making or enactments, re. Title 25 et al, can "...
2 *abrogate...*" *Miranda, supra*, Plaintiff's rights let alone while an employee on
3 SRPMICs reservation.
4

5 Setting aside for a moment the Tribal Defendant's trespasses against the Plaintiff
6 as a cause of action, the overwhelming Constitutional significance of the State of
7 Arizona and 51% of the Elected Defendants of the other 49 States disabling
8 legislation that violate numerous Constitution Articles and Amendments alone plus
9 Title 25 U.S.C. and its progeny being challenged as 1. An **invidious racial**
10 **classification discrimination** that 2. **Subordinates the Constitution to that of a**
11 **tribal community** merits compelling arguments for the Supreme Court of the
12 United States to exercise its authority for original jurisdiction to hear Plaintiff's
13 suit.
14

15
16 Plaintiff argues Title 25 et. al. is **ripe** for repudiation by the Supreme Court of the
17 United States as being **invidious racial classification discrimination** that
18 **subordinates the Constitution to a tribal community**. (Emphasis added by
19 Plaintiff)
20

21 Saying that another way, Plaintiff argues The Indian Citizenship Act of 1924 made
22 null and void any notion the Constitution has provisions for maintaining any form
23 of government not republican in form-Article IV, Section 4-via treaties with its
24 own constituency....the Constitution is self-executing in that respect when
25 enactments violate the Constitution. Article III, Section 2 of the Constitution
26 compels the Supreme Court to give voice to the Constitution's self-executing
27 nullity of disabling enactments in accordance with the original understanding and
28 purpose of the Founding Fathers when the Constitution was drafted and

1 ratified.....treaties are for external use with other nation states **outside** the
2 territorial borders of the United States, its territories and protectorates **ONLY**.
3 **Treaties cannot be tortured by any legislative enactments or interpretation to**
4 **include domestic law making let alone establishing any form of government**
5 **not republican in form with the reach of the Constitution.** (Emphasis added by
6 Plaintiff)

7
8 In the absences of the Supreme Court of the United States issuing a “Removal
9 Order” by invoking Article III, Section 2 and Rule 11 of the United States Supreme
10 Court: Certiorari to a United States Court of Appeals Before Judgment, 28 U.S.C.
11 #2101(e), Plaintiff requests the District Court rule that 1. The State of Arizona
12 failed to protect Plaintiff’s rights from trespass by other residents of the State of
13 Arizona consistent with the Tenth and Fourteenth Amendments and 2. The Elected
14 Defendants did violate their United States Constitutional Oath of Office and the
15 other listed Constitutional provisions in maintaining Title 25 U.S.C. and its
16 progeny as an **invidious racial classification discrimination enactment(s)** that
17 **subordinated the Constitution to a tribal community** resulting in Title 25 el. al.
18 being disabling legislation creating an un-Constitutional end result where Plaintiff
19 had his First, Fifth, Ninth and Fourteenth Amendment rights abrogated in their
20 entirety while employed on SRPMIC’s reservation. And, Plaintiff argues the
21 Tribal Defendants violated Plaintiff’s rights per Title 18 U.S.C. provisions as noted
22 in the complaint. (Emphasis added by Plaintiff)

23
24
25 Plaintiff argues disabling of his **fundamental Constitutional rights** i.e. race
26 discrimination, etc., of his First, Fifth, Ninth and Fourteenth Amendments and in
27 particular his rights to live under Article IV, Section protections compels the
28 District Court to conduct **strict scrutiny** of this Plaintiff’s complaint; and is, in

1 fact, a cause of action against both the Tribal as well as the Elected Defendants.
2 Plaintiff draws upon Auburn Education www.auburn.edu web article to define the
3 meaning of judicial ‘strict scrutiny’ as follows: (Emphasis added by Plaintiff)
4

5 *2. Strict scrutiny: Here are the various contexts in which*
6 *the court applies strict scrutiny:*

7 *a. Substantive due process/fundamental rights: First,*
8 *where a governmental action affects fundamental rights,*
9 *and the plaintiff claims that his substantive due process*
10 *rights are being violated, the court will use strict*
11 *"privacy" cluster of marriage, child-bearing, and*
12 *child-rearing, the court will use strict scrutiny*
13 *(and will therefore probably invalidate the governmental*
14 *restriction). For instance, government restrictions that*
15 *impair the right to use contraceptives receive this kind of*
16 *strict scrutiny.*

17 *b. Equal protection review: Next, the court uses strict*
18 *scrutiny to review a claim that a classification violates*
19 *the plaintiff's equal protection rights, if the classification*
20 *relates either to a suspect classification or a fundamental*
21 *right. "Suspect classifications" include race, national*
22 *origin, and (sometimes) alienage.*

23 *"Fundamental rights" for this purpose include*
24 *the right to vote, to be a candidate, to have access to the*
25 *courts, and to travel interstate. So classifications that*
26 *either involve any of these suspect classifications or*
27 *impair any of these fundamental rights will be strictly*
28 *scrutinized and will probably be struck down.*

c. Freedom of expression: Next, we move to the area of
freedom of expression. If the government is impairing
free expression in a content-based way, then the court
will use strict scrutiny and will almost certainly strike
down the regulation. In other words, if the
government is restricting some speech but not
others, based on the content of the messages, then this

1 *suppression of expression will only be allowed if*
2 *necessary to achieve a compelling purpose (a*
3 *standard which is rarely found to be satisfied in*
4 *the First Amendment area). Similarly, any interference*
5 *with the right of free association will be strictly*
6 *scrutinized.*

7 *d. Freedom of religion/Free Exercise Clause: Lastly, the*
8 *Court will use strict scrutiny to evaluate any impairment*
9 *with a person's free exercise of religion. Even if the*
10 *government does not intend to impair a person's free*
11 *exercise of his religion, if it substantially burdens his*
12 *exercise of religion the government will have to give him*
13 *an exemption from the otherwise applicable*
14 *regulation unless denial*
15 *of an exemption is necessary to achieve a*
16 *compelling governmental interest.*

17 Plaintiff wishes to plumb *Substantive due process/fundamental rights* noted in the
18 text just quoted to further define the terms as follows by drawing upon text from
19 members.aol.com/abtrbng/sdp.htm:

20 *"Substantive Due Process" is the fundamental*
21 *constitutional legal theory upon which the*
22 *[Griswold/Roe/Casey](#) privacy right is based. The doctrine*
23 *of Substantive Due Process holds that the [Due Process](#)*
24 *[Clause](#) not only requires "due process," that is, basic*
25 *procedural rights, but that it also protects basic*
26 *substantive rights. "Substantive" rights are those general*
27 *rights that reserve to the individual the power to possess*
28 *or to do certain things, despite the government's desire*
 to the contrary. These are rights like freedom of speech
 and religion. "Procedural" rights are special rights that,
 instead, dictate how the government can lawfully go
 about taking away a person's freedom or property or life,
 when the law otherwise gives them the power to do so.

1 The Due Process Clause of the Fourteenth
2 Amendment, adopted in 1868, states "nor shall any State
3 deprive any person of life, liberty, or property, without
4 due process of law . . . " The facially clear meaning of
5 this passage is that a state has to use sufficiently fair and
6 just legal procedures whenever it is going to lawfully
7 take away a persons life, freedom or possessions. Thus,
8 before a man can be executed, imprisoned or fined for a
9 crime, he must get a fair trial, based on legitimate
10 evidence, with a jury, etc. These are procedural or
11 "process" rights.

12 However, under "Substantive Due Process," the
13 Supreme Court has developed a broader interpretation of
14 the Clause, one that protects basic substantive rights, as
15 well as the right to process. Substantive Due Process
16 holds is that the Due Process Clauses of the Fifth and
17 Fourteenth Amendments guarantee not only that
18 appropriate and just procedures (or "processes") be used
19 whenever the government is punishing a person or
20 otherwise taking away a person's life, freedom or
21 property, but that these clauses also guarantee that a
22 person's life, freedom and property cannot be taken
23 without appropriate governmental justification,
24 regardless of the procedures used to do the taking. In a
25 sense, it makes the "Due Process" clause a "Due
26 Substance" clause as well.

27 This is an extremely significant idea because of how it
28 greatly expands the power of judicial review exercised by
the federal courts. This happens in two ways:

First, it gives the federal courts unqualified discretion to decide what substantive rights are protected under Due Process and how extensive that protection is. There are two ways the Supreme Court does this:

- Under the substantive wing of the "Incorporation" doctrine, where the Court adopt selected provisions of

1 *the Bill of Rights and apply them to the states under Due*
2 *Process. This can be called "Substantive Incorporation."*
3 • *Under the "Fundamental Rights" theory, where the Court*
4 *adopts whatever substantive rights it thinks are so basic,*
5 *natural and fundamental that they must be protected even*
6 *without reliance on any particular provision of the*
7 *Constitution. Instead the Court is said to root these*
8 *guarantees directly in the word "Liberty" in the*
9 *Fourteenth Amendment's Due Process Clause.*

10 ***Second, once the federal courts decide what substantive***
11 ***rights are protected buy Substantive Due Process, it can***
12 ***use Judicial Review to enforce these rights by reviewing***
13 ***all state legislation for compliance with these rights."***
14 (Additional emphasis added by Plaintiff)

15 Plaintiff argues his complaint citing disabling of his *Substantive due*
16 *process/fundamental rights* guaranteed in his First, Fifth, Ninth and Fourteenth
17 Amendment protections as well as Article IV, Section 4 via the un-Constitutional
18 end results created by the Elected Defendant's disabling legislation prospering of
19 Title 25 et. al. post The Indian Citizenship Act of 1924 to be fundamentally
20 sufficient cause of action for the District Court to have jurisdiction; and, for the
21 District Court to proceed with adjudication of this case regardless of whether this
22 Pro Se Plaintiff presented his case in proper legalistic prose, style, etiquette, format
23 or text associated with a person holding a law degree. (See *Miranda, supra*)

24 Plaintiff requests the District Court to rule the Tribal Defendants did violate
25 Plaintiff's conceded First, Fifth, Ninth and Fourteenth Amendment rights to be free
26 from race and age discrimination, free from retaliation and harassment and free
27 from defamation and that his termination was accomplished through the
28 application of un-Constitutional methods identified in Title 18 U.S.C. already
noted.

1
2 Plaintiff requests the District Court order SRPMIC to 1. Reinstated Plaintiff as a
3 buyer with all of the tenure and privileges therein as his termination was based
4 upon fraudulent and fabricated documents, accusations by unknown accusers
5 engaged in: race, age, retaliation, harassment and defamation and receiving the
6 protection-of and collaboration-of the highest levels of SRPMIC management and
7 or Council and to 2. Restore to the Plaintiff all back pay, pay increases, bonuses,
8 sick leave, retirement benefits, court costs and consultation fees in the preparation
9 of his suit, a corrective letter be placed in his file noting this decision and 3.

10
11 Access substantial punitive damages by the Court commensurate with the offenses
12 against the Plaintiff to guarantee SRPMIC is sufficiently dissuaded from engaging
13 in un-Constitutional conduct in the future; also, the District Court issue an order to
14 SRPMIC pending disposition of this suit to not remove off reservation, destroy, or
15 'misplace,' any files, memorandum, email, telephone logs, letters, Plaintiff's
16 termination electronically recorded and or hard copy transcripts, Plaintiff's
17 SRPMIC pretend trial court electronically recorded and or hard copy transcripts,
18 investigative work from any outside agencies involving the Plaintiff as well as any
19 investigative work done by SRPMIC personnel involving the Plaintiff.

20
21 Also, to keep safe, not to be moved off reservation, free from alteration, loss or
22 destruction all personnel performance evaluations for all Purchasing Department
23 personnel from April 2000 to November 2002 as well as time cards for these
24 personnel. Plaintiff requests the District Court order SRPMIC to make available
25 all audits on PL 93-638 noting any violations of Federal Procurement Practices.
26 Plaintiff requests this Court order SRPMIC to make available the Deloitte and
27 Touché Management Evaluation Report circa 2000-2001 with the specific findings
28 this Report has on Purchasing, Human Resources, and Finance functions where

1 deficiencies are identified and the recommendations made to correct these
2 deficiencies.

3
4 Respectfully,
5

6
7 _____
8 Paul R. Jones

9 Plaintiff, Pro Se

10
11 Salt River Pima-Maricopa Indian Community, Michael LaLonde, Bryan Meyers,
12 Eric Vimmerstedt, Janet Lacapa, Sharon Carl, et al, Defendants

13 10005 East Osborn Road

14 Scottsdale, AZ 85257

15 And

16 The State of Arizona

17 c/o Honorable Jan Brewer

18 Secretary of State

19 1700 West Washington Street

20 Phoenix, AZ. 85007

21 Defendant

22 And

23 The Honorable Janet Napolitano

24 Governor of Arizona

25 1700 West Washington

26 Phoenix, AZ 85007

27 Defendant

28 And

Honorable Jon Kyl

United States Senator

State of Arizona

724 Hart Senate Office Building

Washington, D.C. 20510

Defendant

And

Honorable John McCain

1 United States Senator
2 State of Arizona
3 241 Russell Senate Office Building
4 Washington, D.C. 20510

5 Defendant

6 And

7 The un-Named Elected Members of the State of
8 Arizona Senate

9 c/o Honorable Randall Gnant

10 President of the Senate

11 Arizona State Senate

12 1700 West Washington

13 Phoenix, AZ 85007

14 Defendants

15 And

16 The un-Named Elected Members of the State of
17 Arizona House of Representatives

18 c/o Honorable Jim Weiers

19 Speaker of the House

20 Arizona House of Representatives

21 1700 West Washington

22 Phoenix, AZ 85007

23 Defendants

24 And

25 Honorable Rick Renzi

26 United States House of Representatives

27 First District of Arizona

28 418 Cannon House Office Building

Washington, D.C. 20515

Defendant

And

Honorable Trent Franks

United States House of Representatives

Second District of Arizona

7121 West Bell Road, Suite #200

Glendale, AZ 85308

Defendant

And

Honorable John Shadegg

United States House of Representatives

1 Third District of Arizona
2 301 East Bethany Home Road, Suite #C-178
3 Phoenix, AZ 85012

4 Defendant

5 And

6 Honorable Ed Pastor
7 United States House of Representatives
8 Fourth District of Arizona
9 411 North Central Avenue, Suite #150
10 Phoenix, AZ 85004

11 Defendant

12 And

13 Honorable J.D. Hayworth
14 United States House of Representatives
15 Fifth District of Arizona
16 14300 N. Northsight Blvd, Suite #101
17 Scottsdale, AZ 85260

18 Defendant

19 And

20 Honorable Jeff Flake
21 United States House of Representatives
22 Sixth District of Arizona
23 1640 South Stapley, Suite #215
24 Mesa, AZ 85204

25 Defendant

26 And

27 Honorable Raul M. Grijalva
28 United States House of Representatives
Seventh District of Arizona
810 E. 22nd Street, Suite #102
Tucson, AZ 85713

Defendant

And

51% of the un-named Elected United States Senators
For the remaining 49 States of the Union
c/o Honorable Bill Frist, MD
United States Senate Majority Leader
509 Hart Senate Office Building
Washington, D.C.20510

Defendants

1 And
2 51% of the un-named Elected United States
3 House of Representatives
4 For the remaining 49 States of the Union.
5 c/o Tom Delay
6 United States House Majority Leader
7 H-107 The Capitol
8 Washington, D.C. 20515
9 Defendants

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