

**TRIBALISM VS. REPUBLICAN GOVERNMENTS**  
**BY**  
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Our Nation's Founding Fathers established a Republican form of government first in the Articles of Confederation and then in the United States Constitution for the original 13-colonies (states). Congress-in Title 25 U.S.C. and its progeny inclusive of the 1934 Indian Reorganization Act and Amendments-established federally recognized Indian 'tribalism' (tribalism is inclusive of 'pueblos,' rancheros, etc.) as a form of government for a blood quantum race based select group of U.S. citizens with Indian ancestry.

This begs the question of (1) what is the difference between a 'tribalism' as a form of government established in Title 25 et al and the 'republican' form of government as established by our Founding Fathers in the United States Constitution? And (2) why should citizens of the United States of America be concerned about establishing 'tribalism' as a form of government within the territorial borders of the United States including the select group of federally recognized Indian tribes whose governments are tribalism?

In order to address the two questions asked above, a lay person's 'working' understanding of each form of government-Tribalism and Republican-needs to be established.

This author asked GOOGLE the following question: Define tribalism. The below text is what GOOGLE provided:

Definitions of **Tribalism** on the Web:

- A cultural practice of behaving in a manner to benefit one's own family or tribe, rather than doing what one individually believes is right, especially with respect to supporting political or public policy changes.  
[www.doaskdotell.com/refer/vocab.htm](http://www.doaskdotell.com/refer/vocab.htm)
  - the state of living together in tribes
  - the beliefs of a tribal society[wordnet.princeton.edu/perl/webwn](http://wordnet.princeton.edu/perl/webwn)
- Tribalism refers to a view of society as being divided into subgroups, or 'tribes'. Critics believe that tribalistic views can detract from the unity of society, creating an "us versus them mentality." This phenomenon is named for tribes in particular due to the fact that tribal societies lacked any organizational level beyond that of the local tribe, with each tribe consisting only of a very small, local population. ...  
[en.wikipedia.org/wiki/Tribalism](http://en.wikipedia.org/wiki/Tribalism)

This author then amplified the definitions by calling up [en.wikipedia.org/wiki/Tribalism](http://en.wikipedia.org/wiki/Tribalism) above that offers yet greater understanding of 'Tribalism.'

The word "tribalism" can refer to two related but distinct concepts.

The first is a social system where human society is divided into small, roughly independent subgroups, called tribes. Tribal societies lacked any organizational level beyond that of the local tribe, with each tribe consisting only of a very small, local population. The internal social structure of a tribe can vary greatly from case to case, but, due to the small size of tribes, it is always a relatively simple structure, with few (if any) significant social distinctions between individuals. Some tribes are particularly egalitarian, and most tribes have only a vague notion of private property; many have none at all. A shared sense of identity and kinship encourages the development of kin selection. Tribalism has also been sometimes called "primitive communism" but this is rather misleading since allegiance to a communist state is not based on kin-selective altruism. One thing that is certain is that tribalism is the very first social system that human beings ever lived in, and it has lasted much longer than any other kind of society to date.

The other concept to which the word "tribalism" frequently refers is the possession of a strong cultural or ethnic identity that separates oneself as a member of one group from the members of another. This phenomenon is related to the concept of tribal society in that it is a precondition for members of a tribe to possess a strong feeling of identity for a true tribal society to form. The distinction between these two definitions for tribalism is an important one because, while tribal society no longer strictly exists in the western world, tribalism, by this second definition, is arguably undiminished. People have postulated that the human brain is hard-wired towards tribalism due to its evolutionary advantages. See Tribalism and evolution below.

GOOGLE provided the following when asked to define: Republic. (Author deleted definitions from GOOGLE's response regarding music, various European political states, Plato, etc.)

#### Definitions of **Republic** on the Web:

- democracy: a political system in which the supreme power lies in a body of citizens who can elect people to represent them
- a form of government whose head of state is not a monarch; "the head of state in a republic is usually a president"  
[wordnet.princeton.edu/perl/webwn](http://wordnet.princeton.edu/perl/webwn)
- In a broad definition a republic is a state or country that is led by people who do not base their political power on any principle beyond the control of the people living in that state or country.  
[en.wikipedia.org/wiki/Republic](http://en.wikipedia.org/wiki/Republic)

- A state or nation in which the supreme power rests in its voting citizens and is exercised by representatives elected by them and responsible to them  
[www.sitalive.com/admin/glossary/sectR.html](http://www.sitalive.com/admin/glossary/sectR.html)
- A form of government in which the head of state is usually elected by the citizens. (Not to be confused with "democracy" because many republics, past and present, have heads of state who came into power by military force, or were elected by a small minority of the population.)  
[www.saburchill.com/history/hist003.html](http://www.saburchill.com/history/hist003.html)
- form of government based on a constitution, in which decisions are made by elected or appointed officials in a democratic manner.  
[www.historycentral.com/Civics/R.html](http://www.historycentral.com/Civics/R.html)
- A republic is a nation or country where the head of state is generally elected and is not a hereditary monarch.  
[www.tomgreengop.org/politicalterms.htm](http://www.tomgreengop.org/politicalterms.htm)
- A form of democracy in which power is vested in representatives selected by means of popular competitive elections.  
[www.york.ac.uk/depts/poli/fymoduleg/polia7.htm](http://www.york.ac.uk/depts/poli/fymoduleg/polia7.htm)
- The word republic comes from the Latin res publica: public matter, or the affairs of the people. A state governed by an assembly of citizens rather than by a king, queen or emperor. The leaders are elected into power by the people. Rome was a republic between 510 BC and 27 BC  
[myweb.tiscali.co.uk/temetfutue/glossary/glossaryR.htm](http://myweb.tiscali.co.uk/temetfutue/glossary/glossaryR.htm)
- A form of government where ultimate political power is theoretically vested in the people but in which popular control is exercised only intermittently and indirectly through the popular election of government officials or delegates to a legislative assembly instead of directly through the people.  
[www.information-entertainment.com/Politics/polterms.html](http://www.information-entertainment.com/Politics/polterms.html)

The author called upon [en.wikipedia.org/wiki/Republic](http://en.wikipedia.org/wiki/Republic), to further amplify what a republic is:

A republic is a form of government maintained by a state or country whose sovereignty is based on popular consent and whose governance is based on popular representation and control. Several definitions stress the importance of the rule of law as among the requirements for a republic.

Wikipedia proved in its foot notes the following text this author believes helps sum up and clarify what a Republican form of government is and is not:

Since antiquity the basic categorisation of forms of government was (1) a single person governs (includes monarchy, autarchy, states led by a single tyrant or dictator,...); (2) a limited number of people governs (includes

oligarchy, aristocracy-governed states, etc); (3) the people governs, which is democracy. With this basic categorisation, for instance a representative democracy can only be defined in terms of mixed government (that is: mixing characteristics of two or three of the basic categories into a "composed" form of government). Compare Tacitus, Ann. IV, 33: "All nations and cities are ruled by the people, the nobility, or by one man. [...]". By the Enlightenment this division in three basic types of government (+ "mixed" solutions) had changed, for instance Montesquieu defines his basic categories thus: "There are three species of government: republican, monarchical, and despotic" (Spirit of Laws, II, 1), and then he defines two "types" of republic: "a republican government is that in which the body, or only a part of the people, is possessed of the supreme power; [...] When the body of the people is possessed of the supreme power, it is called a democracy. When the supreme power is lodged in the hands of a part of the people, it is then an aristocracy." (Op. cit. II, 1-2)

This author believes the above definitions and amplification of Tribalism and Republican forms of government from GOOGLE and WIKIPEDIA answers the first question presented above with sufficient clarity that a person can understand what is being presented without the necessity to have an advanced degree in political science.

Our Founding Fathers made it a point not to create a form of government like the English Monarchy. A Republican form it would be and Article IV, Clause 4 is explicit:

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.

A Republican form of government within the United States is essential to all other rights secure to the individual sovereign citizens of the newly minted 13-colonies; first, the original 13-colonies-who were actually totally independent nation states at the ousting of English rule-deemed their common existence to reduce and or stop bickering between the colonies over commerce and common defense against other nations and Indian tribes, was best served as a Confederation of States that first produced the Articles of Confederation. That document proved to have un-workable provisions and what we now recognize as the United States Constitution was the fruit of these original 13-colonies new governmental structure with correction to overcome the obstacles identified in the Articles of Confederation. Much of the Articles of Confederation made it into the Constitution.

Indian tribes were not citizens of any of the 13-colonies nor considered as part of either the Articles of Confederation or United States Constitution as 'sovereign nations.' What treaties there were dated from British times and were simply carried forward as a means to deal with Indian tribes to maintain peace or to keep various tribes from signing any

compacts with European nations siding against the new 13-colonies/Articles of Confederation.

The United States Constitution explicitly prohibits the branches of the national and state governments from creating any other form of government within the territorial boundaries of the United States that is not Republic in form such as a government based upon a religion, race or origin.

Therefore, any creation of a 'tribal government' based on a select group of blood quantum race based U.S. citizens with Indian ancestry or Sunni or Shia or Tutsi or Bantu or Nilotics, or Hutu or Kurd or any other form of 'tribalism' by Congress and or States of the Union brings the offending branch or state into direct disobedience to the United States Constitution and such an enactment is null and void *Ad Initio* (from the beginning).

The United States Constitution cannot be circumvented by clever semantics or reliance upon bogus treaties nor can 'exemptions' be applied to Constitutional tenets. United States citizenship bestows upon the citizen all the mantle of protections by the United States Constitution and it is beyond the Constitutional authority for any branch of the national or state governments to operate outside of Constitutional authority or to deny this mantle of protections absent proscribed procedures of the Constitution.

Thus, part #1 of the answer to the last question is this: No branch of the national or state governments can create any government based upon 'tribalism' ascribed to a select group of United States citizens of Indian ancestry any more than the national government can establish a 'tribalism' form of government for U.S. citizens who are members of the Sunni or Shia tribes as no branch of the national or state governments can operate outside of the limited and explicit authority prescribed to each branch of government-state or federal-by the Constitution.

Therefore, federally recognized Indian 'tribalism' is nullified (*Ab Initio*) by the Constitution as a form of government. And, any elected servant that subscribes to any notion or action to permit or implement such a 'tribalism' form of government within the United States and its territories is forfeit of his elected position as actively dismantling the United States Constitution through the perjured usurpation of Constitutional authority available only to the Body politic.

Associate Justice Scalia in *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995) points out that a Republican form of government remains the only form established in the United States Constitution and any notion other forms of 'government' can legitimately be established by national/states governments such as federally recognized Indian tribalism governments is false as follows:

“Individuals who have been wronged by unlawful racial discrimination should be made whole; but under our Constitution there can be no such thing as either a creditor or a debtor race. That concept is alien to the Constitution's focus upon the individual, see Amdt. 14, 1 ("[N]or shall any

State . . . deny to any person" the equal protection of the laws) (emphasis added), and its rejection of dispositions based on race, see Amdt. 15, 1 (prohibiting abridgment of the right to vote "on account of race") or based on blood, see Art. III, 3 ("[N]o Attainder of Treason shall work Corruption of Blood"); Art. I, 9 ("No Title of Nobility shall be granted by the United States"). To pursue the concept of racial entitlement - even for the most admirable and benign of purposes - is to reinforce and preserve for future [ADARAND CONSTRUCTORS, INC. v. PENA, \_\_\_ U.S. \_\_\_ (1995) , 2] mischief the way of thinking that produced race slavery, race privilege and race hatred. In the eyes of government, we are just one race here. It is American."

The Preamble to the United States Constitution begins with, "We, the People, in Order to Form a More Perfect Union, ..." The Preamble does not say, "We, the Indian tribes, in Order to Form a More Perfect Indian Tribal Union..."

A Republican form of government established in the United States Constitution that invites into its house Indian Tribalism as a legitimate form of government within the United States sows seeds of its own destruction in a compact with the Devil in this author's opinion. This is answer part #2 to the second question above.