

## ARTICLE 25

### **25 U.S. Codes – Indians IS IN JEOPARDY IT IS THE ESSEANCE OF INVIDIOUS RACIAL DISCRIMINATION**

The word INVIDIOUS is most important when we consider any form of legislation or action taken by any legislative or executive department at any level of government in the United States. It means “exacting or creating ill will or dislike; offensive; provoking anger or resentment by being unjustly discriminating” according to Funk & Wagnall’s Standard College Dictionary. This word becomes an essential term for those of us in the United States that are experiencing the adverse effects, to include disabling legislation denying us certain Constitutional Rights, as a result of certain Federal Indian Programs (see footnote 1, at end of article).

It was Justice J. Blackmun, in 1974, who laid out the requirements needed to end the federal special treatment of Indians as provided for in 25 U.S.C.-Indians. The following paragraph tucked away in a Supreme Court case tells the story.

*"Literally every piece of legislation dealing with Indian tribes and reservations, and certainly all legislation dealing with the B.I.A., single out for special treatment a constituency of tribal Indians living on or near reservations. If these laws, derived from historical relationships and explicitly designed to help only Indians were deemed invidious racial discrimination, an entire Title of the United States code (25 U.S.C.) would be effectively erased and the solemn commitment of the Government towards Indians would be jeopardized." Morton v. Mancari, 417 U.S. 535, 541 (1974). Blackmun, J., delivered the opinion for a unanimous Court.*

The two basic Supreme Court cases that allowed invidious racial classification discrimination concern World War II and the internment of citizens of our country of Japanese decent (Nisies), specifically the Hirabayashi (1943) and Korematsu (1944) cases. The best way to demonstrate the sustaining effects of these two cases is to quote a short portion of DeFunis v. Odegaard, 416 U.S. 312 (1974), as follows:

“This Court has not sustained a racial classification since the wartime cases of Korematsu v. United States, 323 U.S. 214, and Hirabayashi v. United States, involving curfews and relocation imposed upon Japanese-American (416 U.S. 312,340).”

Both Hirabayashi and Korematsu did sustain the racial classification and relocation because of the then most serious National Security issues, factors and needs.

**Invidious racial discrimination**, a term found in *Morton v. Mancari*, 417 U.S. 535, 541 (1974), describes Congressional action that is without Constitutional footing, exceeds Congress' and or the federal government's authority to 'recognize' any entity based upon 'race and or ancestry' and is in violation of *Bolling v. Sharpe*, 347 U.S. 497 (1954), *Grutter v. Bollinger et al*, #02-241, *Cooper v. Korematsu v. United States*, 323 U.S. 214 (1944), *Hirabayashi v. United States*, 320U.S.81,100 (1943),and their progeny. All of 25 U.S.C.- Indians exclusively singles out for special treatment certain tribal Indians (members of federally recognized tribes) and federal Indian reservations. THIS IS THE ESSEANCE OF INVIDIOUS RACIAL DISCRIMINATION AND INDIDIOUS RACIAL CLASSIFICATION DISCRIMINATION.

Clearly, a major effort must be made to eliminate 25 U.S. Code-Indians. This code simply codifies our own U. S. version of apartheid, is a primary instrument of the forces that are disuniting our nation, degrading our Constitution, and making a mockery of American history and culture. To continue this code simply continues Constitutional fraud by a majority of oath takers in the Congress whose efforts have resulted in a number of UNCONSTITUTIONAL END RESULTS (See footnote 1). See footnote 2, for an explanation of consequences when oath takers fail to obey their oaths of office.

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Footnotes, as mentioned above:

Footnote 1, 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.

Footnote 2, Tucker, J. R., text- *The Constitution of the United States, etc.*, ISBN0-8377-1206-8, is the source.

Just remember... elected and appointed officers of the various governments swore to uphold the Constitution of the U.S. and the Constitutions of their respective other governments. Also remember... a number of federal Indian programs have documented Unconstitutional End Results; thus, those that created, implemented and continue those unconstitutional programs are violating their oaths of office. Here is what noted Constitutional expert John Randolph Tucker says on the subject of officers failing to follow the Constitution... "Sworn to obey that written constitution, the officer who violates it must stand convicted of a perjured usurpation of authority."(Section 56 of his text). On the subject, usurpation is section 55, he tells us... " the idea that usurpation or necessity or a supposed extension as the consequence of custom or progress of society can make jural any power not constitutionally conferred is contrary to American political science, fatal to the liberties of the people, and is only a wicked pretext for the violation of sworn obligations."