



# AMERICAN RIGHTS GUARDIAN UPDATE

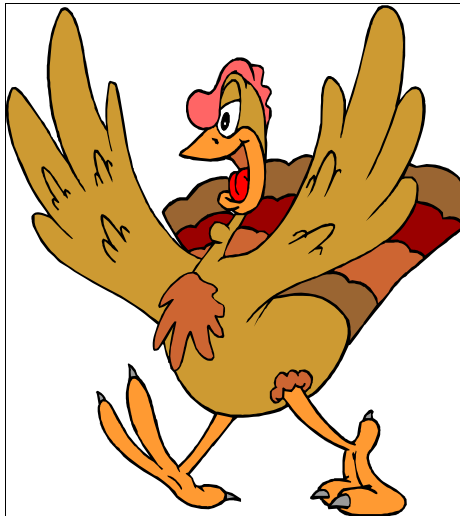
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**Wolves have been killing hunting dogs.** The state Department of Natural Resources says wolves have been killing or injuring dogs used to hunt bear in northern Wisconsin since the start of the bear hunting season Sept. 13. Adrian Wydeven, mammalian biologist at the DNR's Park Falls office, said the first kill was of a hound Sept. 13 in the Marinette County community of Athelstane. The same pack of wolves is believed to have killed a dog during the dog-training season this year. The next day, two hounds were injured in Roosevelt in Burnett County. In Ashland County, a hound was killed on the same day, Wydeven said. Earlier in September, the DNR warned bear hunters about the danger of training dogs for the hunt, after wolves killed 13 dogs and injured four others in two months.

I want to extend my sincere thanks to those who purchased "save the wolf's" automobile license plates to enable this, once eliminated wolf plague, to again flourish, in Wisconsin. This is a vivid example of people who don't have the vaguest idea of what's going on, sticking their nose in where it doesn't belong. In all probability some of the farmers who have lost cattle to the wolves have employed the three "S" method of wolf control. "**Shoot, Shovel and Shut-up.**"



## Pay for Play

By Bob Manzke

Now that the election is over and the high rollers have re-installed their private governor in the Governor's Mansion in Madison, let's take a look at some of the people who bought a share of Navajo Jim, while buying a seat at Governor Doyle's pay for play table. Now that aspiring casino magnate Dennis Troha and family have pretty much maxed out on Gov. Jim Doyle's campaign, they've decided to lay some side bets on the attorney general's race. The Troha gang put \$20,000 on the nose for Kathleen Falk to win Nov. 7. That's Falk, as in Doyle's pick for AG. You gotta hand it to Troha - he knows how to get on the good side of a governor. The Troha clan already has given \$192,250 to Doyle, and Dennis Troha has dropped 100 grand on the

Democratic Governors Association, which is funding the independent group who flooded the airwaves with ads attacking U.S. Rep. Mark Green, Doyle's Republican challenger. Just for good measure, the Trohas tossed another \$30,000 to the Democratic Party. And don't forget the \$25,000 Troha kicked in to help pay for Doyle's 2002 inauguration gala.

So why this sudden interest in Falk, the Democrat who jumped into the AG's race at Doyle's urging?

(Pay for play Continued from page 1)

There are a couple of obvious reasons why Troha might not be inclined to support the Republican AG candidate. Van Hollen has twice threatened to investigate contributions from Troha and his allies and the influence they may have had on Team Doyle.

Troha has more than 88 million reasons to worry about who will occupy the governor's mansion during the next four years. That's how much he is conservatively estimated to collect over seven years if the \$808 million, off-reservation Indian casino is built. First, however, the proposal must be approved by the feds, who then send it to the governor, who has veto power over the proposal.

**PARR ED Note:** And to think the good people of Wisconsin had the wisdom to put Navajo Jim back in power for another four years, so the above can continue at full speed ahead.

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### **Thanks**

By Bob Manzke

With the last several newsletters I wanted to thank you all for rising to our desperate plea, last fall, for a donation on your part to keep PARR solvent.

Seems that with each newsletter the articles came out to just fit with no room left for a "thank you note." So with this year end newsletter I am giving this "thank you" top priority, at the beginning of the newsletter.

First I want to apologize for sending membership renewal forms with the beg letter; leaving many of you not knowing if you should renew your membership or donate. At any rate your response kept us afloat...Thanks a million...Bob Manzke.

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### **Doyle's WDNR**

Now that Doyle has been  
Page 2

re-elected and has a Democratic Senate. It will be interesting to see how the arrogance explodes. All I can say is hang on to your socks. The word **Dictator** comes to mind. The following observations were made before the election.

The DNR found itself defending its policy on docks after the Wisconsin Realtors Association launched an ad campaign last year that began, "The DNR wants you to take a long walk off a short pier."

Wisconsin Manufacturers & Commerce, the state's largest business lobby, has pushed the DNR to go easier on future air regulations because new limits to cut ozone, particle pollution, haze and mercury are expected to cost industry more than \$1 billion. "If being political means being more responsible for decisions that will affect Wisconsin's economy, then we're more political," said James Buchen, WMC's vice president of government relations.

The DNR also has become a more political agency under Doyle; it's an inevitable shift that began when Thompson persuaded the Legislature in 1995 to bring the DNR into the governor's cabinet. Until then, the seven-member board had the power to hire and fire the secretary.

When Doyle named Hassett, a Madison lawyer, to head the agency, he was the first outsider to run the DNR since Tony Earl in 1975. Hassett installed all of his own top administrators, including **allies** of Doyle from outside the DNR.

"This is the first wholesale exercise of power," observed board member Thomas.

Thomas, dean of the College of Natural Resources at the University of Wisconsin-Stevens Point, wrote her doctoral thesis on the board in 1989.

"What you have now is a secretary and a senior staff that are

all political appointees that are more attuned to checking with the governor's office than they are in checking with the board," she said.

Recently, the DNR's aggressive approach to control chronic wasting disease is under growing scrutiny.

Sen. Neal Kedzie (R-Elkhorn), chairman of the Senate's environment committee, has a reputation of being able to work with the DNR. He sees the agency becoming more responsive, but the job isn't done.

"I think there is a culture in the DNR that needs to be more acclimated to treating citizens as customers," Kedzie said.

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### **Wisconsin Already has Enough Casinos**

By Victor Bellomy

Wisconsin State Journal: Wisconsin doesn't need any more casinos. We already have 17 of them, not counting seven smaller tribal convenience stores with slot machines.

One-armed bandits, poker, blackjack and often craps and roulette are a relatively short drive from almost any community in the state.

That means those who like to gamble can already do so to their heart's content (and wallet's discontent).

American Indian casinos are legal and, for most people, relatively harmless fun. But Wisconsin doesn't need a casino seemingly in every city. Nor does it need off-reservation casinos in Beloit, Shullsburg and Kenosha.

A majority of the U.S. House of Representatives recently voted for a bill that could have killed the Beloit, Shullsburg and Kenosha proposals. But the 247-171 vote fell short of the two-thirds margin needed for passage under House rules that apply when leaders limit debate and

(Continued see Enough Page 3)

(Enough Continued From Page 2)

forbid amendments.

The House, with support from Wisconsin's delegation, should take up the bill again — this time under regular rules requiring a simple majority for passage. The bill would prohibit tribes from building casinos away from their reservations.

Whether it's at the federal or state level, someone needs to stop the ever-expanding growth of off-reservation casinos nationally and in Wisconsin.

Remember that gambling in Wisconsin goes way beyond casinos. Virtually every gas station and grocery store in the state sells lottery tickets. Many taverns offer video poker machines. Wisconsin decriminalized five or fewer video poker machines per bar in 1999.

The arguments for off-reservation casinos in Beloit, Kenosha and the small Lafayette County community of Shullsburg include the possibility of jobs and economic development. The new casinos also would deal a payout to the state.

But the more casinos Wisconsin has the less of an attraction they become. Casinos also tend to redistribute wealth rather than build a local economy that can continue to expand, offer higher wages and develop the tax base.

Enough is enough. No more casinos should be allowed off of the reservations in Wisconsin.

Let's stop increasing the bet before we lose the game.

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### The Three Kick Method

It seems that this hot-shot trial lawyer is also a waterfowl (goose) hunter. While hunting at Horicon Marsh this boil-sucker shot a goose. It fell in an adjacent field. He proceeded to climb the fence between the fields.

At this point an old farmer drove up on a tractor. He asks  
Page 3

the lawyer "what are you doing?" the lawyer said I am going to retrieve the goose I just shot. "No you're not" exclaimed the farmer, "that goose is on my property and you don't have my permission to set foot on my property."

The lawyer said "you don't know who I am, I am the best trial lawyer in the country and I will sue you for everything you own."

The old farmer said "in these parts we don't sue, we settle disputes with by using the three kicks method. I get to kick you three times and then you kick me three times until one of us has had enough, and quits."

The lawyer thought I am sure that I can take this old man, so he agreed to the kick contest.

The old farmer slowly climbed off his tractor and exclaimed, "this is my property so I get to go first."

He placed a wholesome kick to the lawyers groin doubling him over. He then kicked him in the gut causing him to loose his breakfast. The lawyer was now on all fours, so the farmer gave him a good swift kick in the butt causing the lawyer lurch head first into a cow pie.

The lawyer staggered to his feet trying to wipe his face on his jacket sleeve. He finally blurted out to the farmer, "now it's my turn old man."

The farmer said "never mind; I quit; you can have the goose."!!!

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### Red Lake Minnesota Tribal Boat Snatching

The following was taken in part from a PERM communication, and was edited for space.

Rep. Sondra Erickson, Sen. Betsy Wergin, and citizen group push for action plan

A Red Lake boat seizure in May led to a meeting with DNR Commissioner Gene Merriam on July 11. Rep. Sondra Erickson and Sen. Betsy Wergin called for the meeting to generate an action

plan regarding boat seizures by Red Lake tribal authorities.

On May 28 Jerry Mueller and his son-in-law were stopped by tribal authorities and told that they were fishing in tribal waters. The boat and all equipment were seized and they were given a receipt.

Four weeks later Mueller was summoned to Red Lake tribal court to answer charges on four counts on trespass and fishing violations. Each count could result in a \$500 fine "and/or loss of the boat and equipment."

Rep. Erickson pointed out that the State constitution ensures the right to hunt and fish in Minnesota. Participants also asked how the State could allow a non-tribal citizen to be tried in a tribal court. There is no legal basis for such action. Mueller's state-issued fishing and boat licenses should obligate the State to protect him.

Rep. Erickson asked why the DNR, in the years of work with the tribe to restore Red Lake, had never addressed the potential problems created by the invisible boundary dividing "tribal" and public portions of Red Lake. She faulted the DNR for not being pro-active and referenced her legislative proposal for marking the boundary, which she did not introduce on the advice of the DNR.

PERM has been raising this issue since last Fall. PERM distributed flyers outlining the Red Lake Angling Hazard. Doug Meyenburg, President of PERM, also wrote to DNR Commissioner Merriam and other requesting assistance in creating a boundary marking system. The DNR's response was that markings were not needed, boat snatchings were rare, anglers should be using GPS technology, and such a system would be too expensive.

### **Looking for a legal basis**

Another well-publicized  
(Continued See Red Lake Page 4)

(Red Lake Continued From Page 3)

Red Lake seizure incident occurred in 2002 when a pilot, who had landed on the ice to fish, had his plane seized. The pilot was "tried" in tribal court without representation and fined \$4,000. The tribe then forced him to haul his plane out over land

It was this seizure led DNR Conservation Officer Greg Spaulding to investigate the legal basis for the tribe's action. He could not find any legal basis for such action. Spaulding's research centers on a 1926 Supreme Court ruling, which states that Red Lake is property of the State of Minnesota, which is responsible for management of the lake.

**PARR Ed Note:** Officer Spaulding found no legal basis for these seizures and the Supreme Court ruled that the state owns Red lake; therefore we find it hard to believe how these seizures and fines are allowed to stand? These people are American citizens being detained by a mythological sovereignty.

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## The Effects of the Failed Federal Indian Programs Since 1924

The formatting of this original article has been altered to accommodate size restrictions.

**PARR Ed Note:** *Even though the following article is quite long. Chairman Graunke and I concluded that because it's such a high quality read we would run it in spite of its length.*

### **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**

Page 4

**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, of which this is the final article, 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 unen-

viable 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 affecting 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

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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 forefathers 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 donations 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.

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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 over rides 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**

Page 6

**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 Con-

stitution 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

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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

Page 7

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*

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*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 In status as Indian tribes. Indian Tribe relative to other federally recognized tribes by virtue of their*

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.

**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.**

John A. Fleming, Consultant Federal Indian Programs Oversight [fipoversight@wavecable.com](mailto:fipoversight@wavecable.com) Revised July 19, 2006

**PARR Ed Note:** The "Series" John refers to (all 30 articles) in this article may be accessed in their entirety on PARR1.com. Click on links page then click on John Fleming.

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### **Was this Fair?**

**By Greg Graunke**

Three men apprehended in April for violating off-reservation walleye spearing regulations on Big Carr Lake in Oneida County received sentences in the Lac du Flambeau Tribal Court on Aug. 8.

The three were each fined \$625 after pleading guilty to charges of possessing nine fish in excess of their bag limit and possessing 36 fish over the size limit set for the Big Carr Lake 2006 spearing harvest.

Included in the \$625 fine was a flat fee of \$500 and \$20 in court costs.

A fine of \$105, for the 36 speared walleye that were over the size limit, was also assessed by evenly splitting responsibility for the fish among the three

poachers. The three were each charged \$8.75 per fish for 12 fish.

The men were not assessed additional fines for the nine walleye possessed over the bag limit because those nine fish were accounted for in the 36 that were over the size limit, said Lac du Flambeau tribal attorney Terry Hoyt.

The three also lost their off-reservation hunting, fishing and gathering rights for one year and one was fined an additional \$100 for not providing the required number of flotation devices in his boat.

After looking at the obvious leniency of the sentences handed down by the tribal court. We would like to comment on the article-in the October issue of WON about the tribal spearkers on Big Carr Lake who illegally speared 45 walleyes and dumped them on the shore, presumably to be picked up later.

Mr. Tom Maulson wants to know "why the state doesn't monitor non-Indians like that." At the risk of not saying the obvious, non-Indians do not get to spear spawning fish, as a matter of record it is illegal and known to be very destructive to the resource.

Tribal council member Tom Maulson- also-stated our young people have got to understand that rules and regulations apply to them no differently than they apply to the non-Indians." This is a statement all non-Indian fishermen should remember when they go to a lake and find a one, two, or three fish limit on the lake that they were planning to fish.

When this incident first came to light a DNR employee thought it would devastate the fishery, but now that time has past the spin is that the limit for the lake would stay unchanged.

According to DNR warden

(Fair Continued from Page 8)

Wrasse "The problem with Big Carr Lake is that there are not a lot of small fish, adding that it is not easy to catch large walleyes in the lake either." In light of what has happened this year our guess is it is going to be a whole lot harder to catch a big fish, and nobody has to put a spin on the situation to make that anything but fact.

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**Irony**

By Bob Manzke

Early in the morning of Saturday November 18<sup>th</sup> the Wisconsin 2006 gun deer season opened. 700,000 hunters were in the woods with loaded guns. The first weekend is always the heaviest hunted. Saturday and Sunday saw two hunters die of heart attacks, but no one was shot. Over that same weekend at least four people were shot in Milwaukee. This scenario speaks volumes about how the problem is not the guns, but the people.

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**God's Capable Envoy**

A United States Marine was attending some college courses between assignments. He had completed missions in Iraq and Afghanistan. One of the courses had a professor who was an avid atheist and a member of the ACLU.

One day the professor shocked the class when he came in. He looked to the ceiling and flatly stated, "God, if you are real, then I want you to knock me off this platform. I'll give you exactly 15 minutes." The lecture room fell silent. You could hear a pin drop. Ten minutes went by and the professor proclaimed, "Here I am God. I'm still waiting."

It got down to the last couple of minutes when the Marine got out of his chair, went up to the professor, and cold-cocked him knocking him off the platform.

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The professor was out cold. The Marine went back to his seat and sat there, silently. The other students were shocked and stunned and sat there looking on in silence. The professor eventually came to, noticeably shaken, looked at the Marine and asked, "What the hell is the matter with you? Why did you do that?"

The Marine calmly replied, "God was too busy today protecting America's soldiers who are protecting your right to say stupid crap and act like an a..-hole. ....So, He sent me."

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**Thought for the day**

In case we find ourselves starting to believe all the anti-American sentiment and negativity, we should remember England's Prime Minister Tony Blair's words during a recent interview. When asked by one of his Parliament members why he believes so much in America, he said: "A simple way to take measure of a country is to look at how many want in ... And how many want out."

Only two defining forces have ever offered to die for you:

1. Jesus Christ
  2. The American G. I.
- One died for your soul, the other for your freedom.

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**Ignoring Wisconsin's Constitution**

Now that Doyle has been re-elected, plans for off-reservation

tribal casinos in Beloit and Kenosha have advanced, with regional staff members of the federal Bureau of Indian Affairs having completed environmental reviews, a bureau official said Tuesday.

The step means that a series of environmental questions on the projects were successfully answered, and that the plans now go for final review in Washington,

The broader regional review of the overall proposal for the Beloit casino, a joint project of the St. Croix and Bad River Chipewewa tribes, will likely be completed this week or next week in Minneapolis. That plan then would go to Washington for final federal approval.

What happened to the binding resolution passed overwhelming by the citizens of Wisconsin to stop the advancement of gambling? Maybe the state's new Attorney General will actually uphold the law.

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