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Something Evil This Way Cometh!

By Lauralee O'Neil and Elaine Willman – MT

There's an enormous threat to the farming and cattle ranching community coming to the western states. One need only to review S.3019, intentionally and deceitfully titled "Montana Water Protection Act," to find answers to these two questions.

Q: What are the benefits for the State of Montana?

A: There are none.

Q: What protections and provisions are provided for residents of Montana (i.e. farmers, cattlemen, municipalities, et al)? A: There are none.

A "compact" is customarily an agreement between two or more governmental entities with reciprocal benefits for all parties. S.3019 has absolutely **no** mutual benefits for the State of Montana as a signatory. This "compact" is **not** an agreement, and it does not provide benefits and protections for all signatories. It is an outright surrender document, gifting to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana State waters, \$55 million Montana tax dollars, \$1.9 billion federal tax dollars, and a National Bison Range thrown in as a bonus.

Below are the recently identified ten major legal flaws of the Montana Water Protection Act, identified as the principal beliefs of Montana Senators Steve Daines and Jon Tester. And surprise, surprise! Both Senators Daines and Tester are seated on the Senate Committee on Indian Affairs. S.3019 reflects their shift away from their Oath of Office to supporting tribal sovereignty over the sovereignty of Montana and the people they were elected to serve.

The policies and beliefs defined in S.3019 are also supported by Montana Governor Steven Bullock, Attorney General Tim Fox, and a majority of the Montana Legislature. All of these elected officials have completely abandoned the state protections of Montana residents living in eleven counties of western Montana. Below are the major flaws of the proposed Montana Water Protection Act with a few supportive examples affirming that the proposed Act is entirely illegal:

1. Does S.3019 violates three Constitutions? The Montana Water Protection Act infringes upon the United States Constitution, the Montana State Constitution and the CSKT Tribal Constitution. It is premised upon the "Aboriginal Rights" of the CSKT. Such rights pre-date the existence of the United States as a country and a government; Aboriginal Rights render the existence of the United States and its rule of law as secondary – or entirely irrelevant and inferior – to unlawful Aboriginal Rights.

2. Is the Montana State Constitution Flexible? S.3019 tramples upon Article II and Article IX of the Montana State Constitution by removing the popular sovereignty and inalienable rights of Montana citizens, taking water rights attached to property deeds and transferring off-reservation Montana waters to federal "trust" for one Indian tribe. Article IX requires "a clean and healthful environment in Montana for present and future generations." Water is livelihood, or the lack of livelihood on land. Transferring authority over Montana waters to an Indian tribe that has no duty to Montana landowners is abhorrent.

3. Is the CSKT Tribal Constitution insignificant? Article VI of the CSKT Constitution declares that the Tribal Council's powers and duties are subject to any limitations imposed by provisions of the Constitution of the United States. Further, Article VII of the Tribal Constitution provides a Bill of Rights that is substantially violated on behalf of enrolled tribal member landowners and irrigators within the Flathead Reservation, among other Tribal Constitution violations.

4. Should the U.S. Supreme Court rulings on water be ignored? The Winters Doctrine of 1908 is a fair and just commitment to always providing adequate water for all tribal lands, people and enterprises. The Winters Doctrine excludes off-reservation waters from tribal authority. The 1981 *Montana v. U.S.* ruling provides that tribal governments have no authority over non-tribal persons or properties, absent a person's consent. The 2013 ruling in *Tarrant v. Herrmann* unanimously asserted that "States have the absolute

authority over all navigable waters within lands ceded to a state upon statehood.” These are but a few of the very powerful U.S. Supreme Court rulings utterly ignored by the federal government, State of Montana and CSKT Tribe.

5. Should Tribal Sovereignty be superior to and more precious than State Sovereignty? Two major tribal privileges have caused elected officials of the State of Montana to elevate tribal sovereignty over State sovereignty: 1) tribal governments directly finance incumbents and candidates. No other American government may do so. 2) Indian reservations place polling precincts on federal “trust” land, where the Secretary of the State has no access or enforcement authority and cannot ensure fair election practices. Elected officials benefitting from these two egregious election conditions (money and questionable tribal votes) are loath to require the Montana Legislature to end these practices. Consequently, Montana elected officials say “Yes” to every tribal whim, even to the direct harm of state sovereignty and the protection of Montana citizens.

6. Are the Federal Government, State and Tribe stealing water rights attached to Private Property Deeds? The entire ability to implement the proposed Montana Water Rights Protection Act is contingent upon surreptitious and nefarious removal of private water rights, and illegally transferring such rights to the federal government on behalf of a tribe. This is outright theft – absolute unadulterated theft of water right without compensation, and instrumental to the success of the Act. And somehow Senators Daines and Tester, Governor Bullock and their minions believe that such a travesty is a justified harm to Montana residents.

7. Should a Montana Senator’s Oath of Office prioritize tribalism? The Federal Government has a “trust” relationship with the Indian tribes. States do not, unless they intentionally self-impose a State “trust” relationship with Indian tribes. Montana did exactly that a couple of decades ago. See item 5 above (candidate funding and questionable votes) to fully understand why Montana elected officials either cooperate with tribes or get taken out of office.

8. Is a Territorial War Power against the State of Montana the right way to implement a Tribal Water Compact? On page 2 of Enrolled Senate Bill 262, passed by the Montana Legislature in 2015, is the following: “The Secretary of Interior ... has authority to execute this Compact ... pursuant to

43 U.S.C. 1457 ...” This statute is a Territorial War Power that may be applied in federal territories, but **never** against a state. Montana elected officials either naively or intentionally agreed to this travesty. And there has been no discussion or action by State officials since to protect state sovereign authority specific to this Compact.

9. Should the Montana State Legislature be subservient to a Senator’s Decisions? Montana Legislature’s bill, **S.B.262** was first wrapped into and substantially amplified in Senator Tester’s Compact Bill **S.3013**, the Salish and Kootenai Water Rights Settlement Act of 2016, and later in S.3019, expanding tribal authority over Montana waters and adding multi-millions to the Compact, beyond what the Montana Legislature approved. Senators Daines and Tester overruled and exceeded the decisions of the Montana legislature, with no complaint from Montana elected officials. Fortunately, Tester’s S.3103 died in a Senate Committee in the last (114th) Congress. But it has now been significantly expanded in S.3019 by Senator Daines and/or Tester.

10. Should Montana waters rightfully be owned and managed by the Federal Government? The proposed CSKT Compact transfers the State’s authority over its waters in eleven western counties to the federal government, to be held in “trust” for a single Indian tribe. Should S.3019 be ratified by Congress, all other Montana Indian tribes will demand the same water benefits as the CSKT tribe. The end result will transfer all Montana waters to the federal government to be managed on behalf of Indian tribes in Montana.

This is, of course, a horror story for the State of Montana, but it gets worse. Should this unique and highly illegal tribal water compact become law, the precedent will be set for **all** tribes in their respective states to roll out the same demands. The Federal government is using tribes as willing pawns to federalize the waters of the western states, and the proposed Montana Water Protection Act is the model – the pilot project to accomplish this goal.

Water is life on the land. Unless state elected officials resume their duty to protect their state authorities and resources, the federal government and the tribes have a smooth road ahead for dismantling the balance of power between the states and the federal government. And tribal financing of elected officials is greasing the skids to get this done, with a willing and continuously overreaching federal government.

Clarence Thomas and the Lost Constitution

By Myron Magnet

(...continued from page 5, Vol. 16, No. 1)

Act Two of the great constitutional subversion stars Franklin Roosevelt, who wrongly diagnosed the cause of the Great Depression as a crisis of overproduction and thus wanted to seize control of the whole U.S. economy to regulate output. For years the Court resisted this power-grab, but it buckled under Roosevelt's threat to enlarge its membership and pack it with judges who would go along. The "Court's dramatic departure in the 1930s from a century and a half of precedent," Thomas says, was a fatal "wrong turn" that marks the start of illegitimate judicial constitution-making.

In his 2005 dissent in *Gonzales v. Raich*, Thomas cites the New Deal Court's zaniest decision: *Wickard v. Filburn*, a 1942 ruling in which the Court abjectly capitulated to the federal government's takeover of the economy under the pretext of the Constitution's commerce power. *Wickard* held that Congress's authority to regulate interstate commerce could even forbid a farmer from growing grain only to feed his own livestock. In his *Gonzales* dissent, Thomas hints that the Court should overturn the whole tangle of Commerce Clause cases related to *Wickard*.

The majority ruling in *Gonzales* held that federal agents had the authority, under the interstate commerce power – and despite California's legalization of medical marijuana – to punish two ill Californians who grew and used pot to control their pain. Interstate commerce? Hardly, Thomas demurs. Like farmer Filburn's grain, the pot was never bought or sold, never crossed state lines, and did not affect any national market. "Not only does this case not concern commerce," Thomas writes, "it doesn't even concern economic activity." Next thing you know, the feds will be raiding potluck suppers.

Thomas understands that the New Deal gave rise to an even more powerful device for constitutional demolition than the engorged commerce power – a whole set of administrative agencies like the NLRB and the SEC. The Supreme Court, Thomas grumbled in the first of a series of 2015 administrative state opinions, has "overseen and sanctioned the growth of an administrative system that concentrates the power to make laws and the power to enforce them in the hands of a vast and unaccountable administrative apparatus that finds no comfortable home in our constitutional structure."

For starters, the Constitution vests all legislative powers in Congress, which means that they cannot be delegated elsewhere. As the Framers' tutelary philosopher John Locke wrote, the legislature can make laws but it cannot make legislators – which is what Congress does when it invests bureaucrats with the power to make rules that bind citizens. Nor can the courts delegate judicial power to bureaucrats, as the Supreme Court began doing in a World War II case when it ruled that courts must defer to agencies' interpretations of their own regulations. The Court's rationale was that agencies have technical expertise that judges lack. That's not the relevant issue, Thomas contends: "The proper question faced by courts in interpreting a regulation is not what the best policy choice might be, but what the regulation means." And who better to interpret the meaning of words, Thomas asks in *Perez v. Mortgage Bankers Association*, than a judge?

Worsening the problem, Thomas argues in *Michigan v. EPA*, is the deference doctrine that the Court hatched in *Chevron v. Natural Resources Defense Council* in 1984. This doctrine requires courts to assume that Congress intended that any ambiguity it left in a statute under which an agency operates should be resolved by the agency, not by the courts. Consequently, Thomas exasperatedly observes, not only do we have bureaucrats making rules like a legislature and interpreting them like a judge, but also the interpretations amount to a further lawmaking power, with no checks or balances whatever.

A not untypical result of all this administrative might, to cite an example recently in the news, was an EPA ruling that a Montana rancher polluted the navigable waterways of the United States by digging two ponds to be filled by a tiny trickle on his land, 40 miles from anything resembling a navigable waterway. For providing reservoirs to fight potential forest fires, the rancher was fined \$130,000 and sentenced to

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18 months in prison. (The rancher served his time in prison but continued his legal fight until he died at age 80. A month after his death, the Supreme Court vacated the ruling against him. The Trump administration recently revoked the regulation under which he was convicted.)

In a virtuoso dissent last year in *Carpenter v. U.S.*, Thomas takes on the third and last act of the Court’s attack on the Framers’ Constitution – the license with which the Court presumes to make up law out of whole cloth, with no prompting from either Congress or the president. The best recognized example of this is the 1973 *Roe v. Wade* abortion decision. *Carpenter* is less incendiary, but it is deliciously instructive.

A career armed robber, Carpenter claimed that police use of cell phone location in convicting him violated his Fourth Amendment protection against unreasonable search and seizure. The Framers, of course, had no cell phones. But, Thomas notes, Chief Justice William Howard Taft had shown as early as 1928 how to adapt to new circumstances, in a case concerning a telephone wiretap. The phone lines were outside the convicted bootleggers’ premises, and conversations aren’t papers, so federal agents had not invaded their Fourth Amendment-protected “persons, houses, papers, [or] effects.” Thus, Taft held, no Fourth Amendment-banned search had occurred.

But in a 1967 wiretapping case, the Supreme Court decreed that what the Fourth Amendment really protects is a person’s “reasonable expectation of privacy.” With this “reasonable expectation,” on which the *Carpenter* majority rests, Thomas has a field day. Dictionaries from 1770 to 1828 define a “search” as a looking into suspected places, he notes; transferring Fourth Amendment protection from places to people reads that word out of the text. And “*their* ... papers,” he points out, can’t mean someone else’s records, so what does the Fourth Amendment have to do with a subpoena for the phone company’s files? And finally, Thomas asks, who’s to decide what a “reasonable” expectation is? That is a policy determination, not a judicial one – so shouldn’t Congress decide? Nevertheless, Chief Justice Roberts cast the deciding vote to uphold this nonsense, in line with half a century of Court-created rights that subverted the authority of the police to fight crime and of teachers and principals to discipline disruptive students.

In conclusion, let me shift my focus from constitutional law to ethics. It takes a certain kind of character
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Aboriginal Rights, Ancestral and Traditional lands, and Time Immemorial: The tribalism Train Wreck Coming Straight at Us

By Elaine Willman, MT

Imagine standing by a railroad track on a dark night and seeing a huge bright light coming down the track. There is no way to see how many cars are behind the engine....

The terms discussed in this article are the ‘bright lights’ of an oncoming train, with 574 cars roaring behind it.

The bright light terms are **aboriginal rights, ancestral and traditional lands, and time immemorial.**

On Indigenous Peoples Day, new ideas for American Indian land rights.

“American Indian land rights are our country’s oldest policy arena and one that has remained potent since Christopher Columbus landed in the Americas 527 years ago. Historically, American Indian tribes have been relegated to the bottom rung of power between governments, corporations, and tribes. However, in recent years, issues of tribal sovereignty have come to the fore of public discussion. Recent policy proposals by members of the Democratic Party are pushing contemporary discourse about indigenous land rights into uncharted terrain. Some politicians are calling for free, prior, informed consent (FPIC) of American Indian tribes over decisions that affect their people and land. Though FPIC is far from becoming law, its entrance into the American policy discussion marks an increasing mainstreaming of policy issues related to our country’s indigenous peoples.”

SINCE TIME IMMEMORIAL: TRIBAL SOVEREIGNTY IN WASHINGTON STATE

“Tribal people gave up large parts of their original homelands in the agreements, but they wanted to continue to fish, hunt and gather their foods on the original homelands given to them by The Creator. Everyone agreed that tribes could continue their traditional fishing, hunting and gathering on their original homelands, even if it was off their newly created reservations. Everyone accepted that tribes could continue the traditions they had kept since time immemorial, or since the beginning of time.”

The United Nations Permanent Forum on Indigenous Issues

“Regional human rights mechanisms in Africa and the Americas have also affirmed indigenous peoples’ collective rights to lands, territories and resources.”

Priority Date: Date of Reservation or Time Immemorial

“Federal Indian reserved water rights generally have one of two priority dates: date of reservation or time immemorial. Where the reserved rights are necessary to fulfill purposes created by the establishing document, the priority date is the date of establishment of the reservation. If, however, water is reserved so a tribe can continue its aboriginal uses, such water may have a time immemorial priority date.”

S. 3019 – Montana Water Rights Protection Act – Sec. 13. NATIONAL BISON RANGE RESTORATION. (E) *since time immemorial until the establishment of the National Bison Range, the Tribes had used the land described in subparagraph (C) for – hunting, fishing, and gathering; and cultural and many other purposes;*

So, what is the problem with these terms? The answer is that they are increasingly popping up in federal regulations, state legislation and liberal judicial rulings. All of these terms imply a **superiority** to the very existence of the United States, and since they are intended and designed to pre-date the formation of this country and its constitutional government of 1789, they aim to make our nation irrelevant. These terms insinuate that the tribes are superior to any rule of law in the United States.

These antiquated terms have been given new life in a huge way since the enormous financial and political power of 574 tribes has taken its toll on elected officials at every level of government. Washington State has now fully acquiesced to view tribal sovereign authority as superior to the sovereign authority of the State of Washington. In Olympia the Washington State Legislature very nearly gave all of their states’ waters to tribes claiming “*aboriginal lands*” in their state. Hmmm... That would encompass the **entire** State of Washington, but elected officials’ well-funded by 31 tribes found no problem giving state waters to the 31 tribes. Fortunately, the bill narrowly stayed in committee and did not pass ... yet.

Montana’s two federal senators, Steve Daines and Jon Tester, have packaged up a federal bill, S. 3019, deceptively named the *Montana Water Protection Act*. The title is a complete and intentionally misleading lie. The bill gives all Montana state waters in the Western part of Montana to a single tribe, the Confederated Salish and Kootenai tribe (CSKT), for control of all access to water. The agricultural economy of multiple counties will be 100% behold to a tribal government for any access to water. No better way to obliterate the economic life forces supporting towns, counties, farmers, cattlemen, irrigators. If S. 3091 passes, full access to Montana state waters will transfer to the United States for sole management by a single tribe. Never mind that 95% of Montana’s population is non-tribal and currently answer to only state, county and local elected officials.

Senators Daines and Tester have also packaged up \$1.9 Billion in the bill for the excessively wealthy tribe, and given the tribe our country’s very first national wildlife refuge, the National Bison Range.

When one combines the horrific terms of *aboriginal lands*, etc., with tribal governments’ unique ability to directly fund our elected representatives, these elected servants quickly walk away from their Oath of Office to protect the people who elected them, and become behold to tribal governments as superior to their state.

Readers should constantly be on the lookout for any of these unlawful terms and push back immediately. To let these terms continue uncontested is to concede that our country is irrelevant when it comes to all things tribal.

Think about this: a country is a geographically bounded area with a governing system free of all intrusion or interference from any other country. France, Germany and many other countries are good examples of nations with no internal sub-system (like Indian reservations) within them.

Federal Indian Policy is unaccountable, destructive, racist and unconstitutional. It is, therefore CERF and CERA’s mission to ensure the equal protection of the law as guaranteed to all citizens by the Constitution of the United States.

The United States is a geographically bounded area with one government. Tribes have never ever owned their land. The United States created Indian reservations for tribes, for their beneficial use and occupancy only. The U.S. has always held title to their lands, and the BIA has always been the governing authority on tribal reservations until 1934. Even when the Indian Reorganization Act of 1934 allowed tribes governance over their federal “trust” lands, title to those lands remains with the United States.

Lands and waters ceded to states upon statehood are free-standing from the federal government. Remember, it is our first thirteen states that created the federal government. It is not possible to have land ceded to a state and “aboriginal” land on the same soil. Powerful tribal gaming money lining pockets of elected officials is now allowing “aboriginal lands, ancestral and traditional lands,” to not just co-exist, but supplant land ceded to the respective states.

The sovereign authority of Washington State government is almost gone completely, and Montana, thanks to Senators Daines and Tester, is following close behind.

The Constitutional right of citizens to be served and protected by their states is being handed off to tribal governments who have absolutely no duty whatsoever to non-tribal members.

I beseech you to have educational conversations with your elected officials at every level, and push back hard on all terms that render our country irrelevant – or secondary to the horrific spread of tribalism across this country. If we remain silent and do nothing, the glaringly bright lights of an oncoming 574 tribal train wreck is coming right at us – fast!

14th Amendment to the U.S. Constitution

Ratified July 9, 1868

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Chippewa journalist Bill Lawrence’s principles are needed today!

By Joe Felleggy – MN

Bill Lawrence (1939-2010) published the periodical Native American Press/Ojibwe News from 1988 to 2009. He passed away 10 years ago this month. When a kid, his family moved from the Red Lake Indian Reservation to Bemidji where he excelled in academics and athletics, from grade school to college. He held various government jobs, but drew special admiration and fame during his publishing career.

Bill Lawrence was best known for championing transparency and accountability regarding modern tribal governments, including their dealings with state and federal policymakers. His memorable lectures to non-Indians, including me, went something like this: Hey, it’s nice that you have Indian friends. But in these modern times always distinguish between the Indians, meaning the people, and what he called today’s Indian industry.

Indeed, today’s tribal governments are often the richest and most powerful corporate-political-legal forces in their regions. Bill wanted more hard questions asked, more issues openly debated, and more data on the dollar flows – information often kept from citizens, including tribal enrollees. He strongly advocated for the public’s right to know.

Federal and state tax-dollar totals paid to tribal governments and their various agencies? Campaign contributions from tribal governments to politicians in state and federal governments? Behind-the-scenes power-players and decision-makers?

Consider the big tribal-related issues now challenging vast areas of Minnesota outdoors. Pipeline politics. Mining issues. “Treaty rights” harvests. State-tribal co-management of Minnesota natural resources across the multi-county treaty ceded territories. Add ongoing legal challenges, like the Gull Lake gillnetting “1855 treaty rights” case now at the Minnesota Supreme Court level.

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Curt Knoke, Treasurer

Thank you to all who renewed their Membership dues and to those who contributed extra dollars toward the expenses of the writing and filing of amicus briefs CERA/CERF has been sponsoring in recent years.

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Sandy Reichel



The Mille Lacs, Minnesota community was saddened by the untimely death at the young age of 60, of Mayor Sandy Reichel on March 2, 2020.

Sandy served meritoriously as the mayor of the city of Wahkon, Minnesota for 17 consecutive years being first elected in 2002. For 16 years, Sandy and her husband Brad were the proud owners of the restaurant and lakeshore resort, “Walleye Dundees”, where locals and visitors could enjoy Sandys special dishes, Swedish pancakes with Lingonberries or Tacklebox Hash-browns. Everyone came away from the restaurant with a full tummy and a smile on their face.

CERA members will remember Sandy from multiple trips to Washington, D.C. to attend CERA conferences and to participate as a panelist on panel discussions. She was part of a group that visited the Census Bureau to inquire about and complain about the incorrect maps of Mille Lacs County that they were generating. She was part of the delegation that met with The Department of Interior, Commerce Department and Census Bureau in regard to the issues facing the Mille Lacs area as well as multiple meetings with Congressmen. Sandy was not afraid to speak up in support of her community.

Perhaps Sandy can best be described by the inconspicuous tattoo on the inside of her wrist, “One nation under God.” She will be sorely missed by all her family and friends but also by all who made her acquaintance along the way.

(Chippewa journalist continued from Pg. 6)

Hey, that 1855 ceded territory covers a huge swath of Minnesota, from Mille Lacs to the Canadian border at one point. Will Gov. Tim Walz and Attorney General Keith Ellison defend state and citizen interests, or not? Tribal attorneys in that “treaty rights” case work for the 1855 Treaty Authority. That entity’s make-up? Funding resources? Who runs the show? And then there’s activist and White Earth Band member Winona LaDuke and Honor the Earth. Who constitutes Honor the Earth? Who funds its leaders and attorneys?

The Mille Lacs fishery is co-managed by Minnesota’s DNR and the Great Lakes Indian Fish & Wildlife Commission (GLIFWC), the umbrella organization for the eight Chippewa bands with 1837 “treaty rights.” The non-science-based political co-management system and the resulting never-ending news cycle about regs, hooking mortality guesstimates, fishing pressure news, etc. makes Mille Lacs the biggest ongoing public-relations disaster – boondoggle? Crapstorm? – in the histories of Minnesota fishing and fisheries management.

In Javier Serna’s front-page feature, “Catch-and-release likely for Mille Lacs” (Outdoor News, Feb. 28), DNR Fisheries chief Brad Parsons recalled that in negotiations earlier this year, the Bands wanted a total exploitation rate on adult walleyes of only 8 percent; the state advocated 13 percent; and the two sides settled on 11 percent and a 150,000-pound quota – an ultra-low figure that will likely allow little or no keeping for state anglers in the open-water season. A few years ago the standard traditional exploitation rate of 24 percent was somewhat lowered. Okay. But can the present super-low numbers be justified?

On Outdoor News Radio, Feb. 29, Managing Editor Rob Drieslein and Editor Tim Spielman devoted a segment to Mille Lacs management. Rob rightly called the Bands’ 8 percent exploitation-rate position “downright mean” and “ridiculous.” And, more than ever, members of the Mille Lacs Fishery Advisory Committee (MLFAC) are variously calling the never-ending co-management mess and its negative impacts indefensible, unrealistic, and unacceptable. They too raise questions about who’s being bought and paid for, and who on both sides are the real decision-makers.

Meanwhile, Gov. Tim Walz and others defend this ongoing monster with powerwords like “treaty rights” and “the law of the land” (Outdoor News, Feb. 21). And as reported in the Feb. 28 Outdoor News, Walz

and Minnesota’s Attorney General Keith Ellison now recognize the original Mille Lacs Indian Reservation – about 15 times larger than the reservation traditionally on official Minnesota highway maps. Did they consult with Mille Lacs County officials, local governments, law enforcement, resource managers, property owners, and other interested parties? Apparently not.

Know that an Indian reservation is legal Indian country, with tons of ever-evolving law attached. Think court opinions across the country, acts of Congress, presidential orders, the reach of federal agencies and their policies, etc. For many decades, Mille Lacs Band tribal elders considered the several thousand acres of trustland near present-day Grand Casino Mille Lacs as “the rez.” Technically it is trustland, but, like a reservation, it’s also legal Indian country. Call it a reservation and the meaning is similar. In the 1990’s, the powerful Mille Lacs tribal government worked intensely to have various federal and state agencies recognize the much-bigger 61,000-acre original Mille Lacs reservation – which tribal elders, folks around the lake, and Minnesotans generally never identified with.

I remember a relevant story from Frank Courteau, a former Mille Lacs County Commissioner. When running for a seat on the Mille Lacs County Board in 1998, he visited city councils and township boards. At a Kathio township session he brought along a U.S. Geological Survey (USGS) map which depicted Mille Lacs Reservation as the huge 61,000-acre rez, unknown to many residents. Courteau, like other area residents, grew up believing the reservation was the 4,000 acres of trust lands, located at Vineland where Grand Casino Mille Lacs is now located. State maps and signs long supported that understanding.

Frank Courteau still remembers that when Kathio board member and Mille Lacs Band elder Loretta (Kegg) Kalk saw that USGS map with the big original reservation, she exclaimed, “Something’s wrong! We don’t have all that!” Courteau’s response to her: “You’re right!”

Reservation status is a big issue! Will the Minnesota Department of Transportation (MNDOT) soon change official highway maps and signage to show that bigger “Mille Lacs Indian Reservation” now officially supported by Gov. Tim Walz and Attorney General Keith Ellison? Will Walz and Ellison ever provide Minnesotans, including tribal enrollees, detailed information about what legal Indian country – 15 times larger than the reservation they’re used to - could mean legally and politically?

And then there's Executive Order 19-24 signed by Gov. Tim Walz last April. That order mandates tribal-relations training for state leaders and personnel in 24 state agencies whose work may impact tribes. The trainers and their gospels? The trainees, including DNR personnel? Impacts on public policy?

Bill Lawrence embraced the public's right to know. Because he sometimes challenged federal and state Indian policies, exposed corruption in tribal governments, advocated for more transparency and accountability from tribal and non-tribal policymakers, and pushed for open meetings versus secrecy, the sale of his paper was banned on many tribal enterprises across Minnesota.

May Bill Lawrence's legacy help fuel the public's right to know!

Reprinted by permission of Outdoor News and the author.

(Clarence Thomas continued from pg. 4)

to be capable of liberty, and Clarence Thomas embodies that character. Indeed, his character is bound up with his jurisprudence in an exemplary way.

Born in a shanty in a swampy Georgia hamlet founded by freed slaves, Thomas enjoyed a few Huck Finn-like years, until his divorced mother moved him and his younger brother to a Savannah slum tenement. On her meager maid's wages, her children knew "hunger without the prospect of eating and cold without the prospect of warmth," the justice recalls. After a year of this, Thomas's mother sent her two little boys a few blocks away, to live with her father and step-mother, a magical, Oliver Twist-like transformation.

Thomas's grandfather, Myers Anderson, the self-made if semi-literate proprietor of a modest fuel oil business, lived in a sparkling clean cinderblock house with porcelain plumbing, a full fridge, and a no-excuses childrearing code that bred self-discipline and self-reliance. A convert to Catholicism, Anderson sent his grandsons to a strict parochial school – segregated like everything else in mid century Savannah, but teaching that all men are created equal – and he put them to work delivering oil after school and on weekends. Summer vacation was no holiday for the boys: with their grandfather, they built a house on 60

rural acres. Thereafter they tilled the fields every summer, harvested the crops, and butchered livestock for winter food. Anderson urged them on with his rich stock of moral maxims, including, "Where there's a will, there's a way." There wasn't a spare minute in the year for the boys to fall into street culture, which Anderson feared.

These lessons in self-reliance formed the bedrock of Thomas's worldview. He temporarily flouted them, he recounts, during his student black-radical phase, when he and his college comrades spouted off about how they were "oppressed and victimized" by "a culture irretrievably tainted by racism." Visits home became "quite strained," he recalls. "My grandfather was no victim, and he didn't send me to school to become one."

By Thomas's senior year, he had snapped out of it. His old self-reliance expanded from a personal creed to a political one, as he reflected upon how much his college stance of victimhood had threatened to diminish and impede him, especially compared to his grandfather's heroic independence. He also pondered deeply the harms that affirmative action – purportedly America's atonement for its historic sins – had done to his black classmates at Holy Cross and Yale Law. Thomas saw that it led to failure and grievance by placing smart but ill-prepared kids in out-of-their-league institutions and branding successes like him with the imputation of inferiority. His nine years as a federal civil rights panjandrum, running the civil rights division of President Reagan's Department of Education and then the Equal Employment Opportunity Commission, confirmed his impression that "there is no governmental solution" to black Americas problems – a conclusion underlying the anti-affirmative action opinions he has written on the Court. In this equal opportunity nation, black citizens must forge their own fate, like all other Americans. Where there's a will, there's a way.

Regardless of race, everybody faces adversity and must choose whether to buckle down and surmount it, shaping his own fate, or to blame the outcome on powerful forces that make him ineluctably a victim – forces that only a mighty government can master. The Framers' Constitution presupposes citizens of the first kind. Without them, and a culture that nurtures them, no free nation can long endure.

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Federal Indian policy is unaccountable, destructive, racist and unconstitutional. It is therefore CERF and CERA's mission to ensure the equal protection of the law as guaranteed to all citizens by the Constitution of the United States

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