

A Letter to President Trump

Regarding Tribal Government

Honorable Donald J. Trump
President of the United States
White House
1600 Pennsylvania Avenue
Washington D.C., 20006

September 17, 2019

ASSERTION: Since its origins in the 1830's (judicial, legislative, administrative) all of Federal Indian Policy is: 1) entirely unconstitutional; 2) denies full American citizens enrolled in tribal governments their 14th Amendment protections and civil rights; 3) compels forced reparations in perpetuity upon American taxpayers to annually subsidize all basic needs and services of 573 tribal governments; and 4) permits tax-exempt tribal casinos and other tribal enterprises to undermine the marketplace of the tax-paying economy in thousands of communities across the nation.

Dear President Trump:

I have attached a brief professional statement supportive of the contents of this letter. Below is a cursory chronology that describes the increasing spread of tribalism as a governing system replacing our Republic form of government in America, and supports the assertion noted above.

- 1830 - Chief Justice James Marshall issued three Indian-related rulings known as the Marshall Trilogy in 1830. With no support found in the U.S. Constitution, Marshall instead drew from international law to declare that the federal government has a "trust" relationship with its individual, dependent ward Indians. The Judiciary was the impetus for the origins of the federal trust relationship. In compliance with the Judiciary, Congress and the Executive Branch forged the Bureau of Indian Affairs and began the incremental expansion of tribalism as a governing system in the United States increasingly expanding for two centuries.
- 1871 - The first half of the 1800s brought the formation of the Bureau of Indian Affairs, congressional statutes and administrative laws, managing Indian treaties, annual subsidies, and peacekeeping needs.

- 1887 - Congress implemented efforts from the 1870s through 1924 to bring American Indians to full and equal citizenship with all other citizens, by ending the reservation system, tribal governments, and allowing Indians to be individual landowners and full citizens of their respective states.
- 1924 - Congress passed the Snyder Act of 194 making all American Indians full citizens.
- 1934 - An avowed and self-proclaimed Communist, John Collier, became Commissioner of the Bureau of Indian Affairs, and persuaded Congress to pass the Indian Reorganization Act (IRA) of 1934. This created separate communal tribal governments and created dual citizenship that denies enrolled tribal members their 14th Amendment and Civil Rights. IRA has been an intentional and incremental deterrent for individual tribal civil rights and ownership of land.
- 1968 - Congress passed the Indian Civil Rights Act (ICRA) to provide tribal members with civil rights but failed to provide any enforcement process for aggrieved tribal members. For over fifty years Congress has assumed that tribal members have civil rights under ICRA, but the reality is, lacking enforcement mechanism, tribal members have nothing.
- 1978 - Congress passed the Indian Child Welfare Act (ICWA) transferring full parental authority from tribal parent to the tribal government. The benign intent was to preserve culture, but the reality for tribal families is that ICWA is often used as a weapon to punish or otherwise influence tribal families at risk of the tribal government taking their children – sometimes forever. The stated purpose and implementation of the ICWA is “the best interest of the tribe” and not “the best interest of a child.” ICWA, drug addiction and suicides have been completely devastating to family units within Indian reservations.
- 1988 - Congress passed the Indian Gaming Regulatory Act (IGRA) to provide tribes with economic self-sufficiency and ultimately offset and reduce annual federal subsidies. These tax-exempt gaming profits are ‘free money’ to tribes, since federal subsidies continue to annually fund all basic services of 574 tribal governments. Casino funds are used to acquire land, hire lobbyists and fund candidate campaigns.
- 2000 - vfcFederal Election Commission Advisory Opinion (FEC -AO 2000-05) authorized tribal governments to financially and directly participate in funding political parties, incumbents or candidates. No other American governments may do so. But 574 tribal governments monetize America’s elections while being exempt from most federal and state decisions made by legislators that tribes elect.
- 2012 - Congress passed the HEARTH Act under the Obama administration, allowing tribal governments to long-term lease federal Indian ‘trust’ lands to middle eastern countries for up to 75 years, without BIA oversight or approval. *Note: that in 1904, Secretary of Interior A.B. Fall required all major dams, water and energy systems in Western states to be located on or near Indian reservations. The*

HEARTH Act affords opportunity for adversaries of this country close proximity to the nation's energy system and power grids on lands receiving little or no state or local observation or oversight.

- 2014 - Accelerating tribal involvement in the nation's power grid, Congress passed the Indian Energy Policy Act authorizing multi-billions of dollars for tribal governments to acquire major power infrastructure by a government that: 1) has no duty to the customer base, and 2) is protected by "sovereign immunity" from liability to the American people.

The original 1830 'trust' relationship was intended to be with individual Indians, but for perhaps expediency, Congress and federal agencies worked exclusively with tribal governments, unfortunately to the detriment of the tribal members they serve.

Nationally, this massive issue impacting America is a best kept secret as most federal, state and local decisions are made in private communications with elected officials, administrators and tribal leaders. Minimal to no public hearing or input from tribal members and the general public occurs. Yet the enormity of the annual financial burden upon taxpayers and increasing loss of lands within states no longer served by a republic form of government quietly expands, year after year.

All of this can be viewed as forced reparations in perpetuity that saddles innocent American taxpayers annually with the sins of yesterday, long since and abundantly compensated for over two centuries by such unconstitutional largesse – going to governments never contemplated in our country's Constitution.

I remain so deeply grateful for your election as our President in 2016, and eagerly look forward to your reelection in 2020. In your second term, my belief is that you alone can persuade your colleagues in the Executive Branch and members of Congress to restore the United States to One Nation Under God, and make the following requests:

1. To Make and Keep America Great, end the spread of tribalism as an unconstitutional governing system in the United States by restoring the United States to "One Nation under God";
2. End Federal Indian policy and the existence of 574 'quasi-sovereign', separate nations within the United States;
3. Rescind FEC Advisory Opinion 2000-05, eliminating any tribal government funding of elections and candidates (this action should be taken immediately, prior to the 2020 election);
4. Restore full citizenship to enrolled tribal members, including their civil rights and the 14th Amendment;
5. Return all land held in title by the United States in "trust" for tribal governments to tribes, and transfer jurisdiction of such land to the

respective states;
6. And establish a reasonable time certain by which all tribal governments
and Indian reservations are terminated.

Very Sincerely Yours,

Elaine D. Willman
Ronan, Montana