

December 9, 2022

To:

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David W Harder, US DOJ, Indian Resources Section, Environment & Natural Resources Div., 999 18th St, So. Terrace, Ste. 370, Denver, CO 80202

Molly M. Kelly, Montana DNRC, 1539 Eleventh Ave., POB 201601, Helena, MT 59601

Montana Water Court, POB 1389, Bozeman, MT 59771-1389

Subject: Reasons Why I OBJECT to the Montana State CSKT Compact

## **ABSTRACT**

The one side doing the taking of our state water rights wants everyone to believe they must secure a contract with the tribes or they will lose their water rights in federal court. The other side being taken believes, if they sign this compact, everything will be taken. These takings include in part, the water users rights to manage their irrigation water, off reservation in-stream flow rights, potential gross mismanagement of additional funding to the tribes who have no proven track record or skills to manage Kerr Dam, loss of irrigation water, loss of 200 mile circumscribing national forests given to the tribe by the federal government in a series of state and federal bills, e.g. S. 2012. The water taking is seen by many locals as cloaked in an UN Agenda 21 and Sustainable Development with lots of help from the benefiting federal cereal agencies, benefiting nonprofit organizations and the tribes with lots of help from the Department of Interior BIA. It is a "sweet" deal for the feds and the globalist and a sour deal for Montana sovereign state Citizens. The CSKT Compact is highly discriminatory against the Montana Citizens and private property owners. Here is one example, the only "government" in America allowed to give monies to another government is the tribal governments. How convenient is that? American Indian tribes living on public grant land reservations and receiving federal subsidizes should be barred from donating campaign contributions to any public official. The federal subsidizing of 567 American "recognized tribes" and the consideration of some 400 more in line for these handouts needs to be stopped. The CSKT gave 145 times more water than the average given to all other Montana tribes in the US. This is beyond over reaching. This is tribal welfare on an insane level for a small group of people that should have assimilated long ago. The reservations were only meant for temporary holding areas until the tribes learned to adapt and become independent. Chief Joseph was right on when he spoke; "Treat all men alike. Give them the same laws."

## **INTRODUCTION**

I have been assured my private property domestic well water rights are not threaten and remain unchanged by Joel Harris the DNRC Water Resource Specialist. While my well has been recorded in the Montana Ground Water Information Center online, I am also just preparing Form NO. 602 to officially register my well water rights with the Montana DNRC. However, I also have deep concerns of the overall CSKT Compact and offer the following 9 pages detailing these concerns.

## BODY

- 1) 90% of the lands served by Flathead Irrigation Project are privately owned by non Indians yet the CSKT Compact gives bare legal title to 100% of the water, allocating 10% for irrigation and 90% for fisheries time immemorial assuring irrigation will no longer be a priority. Said another way 90% of the Flathead Indian Reservation is non-Indian!
- 2) The 2010 US Census shows 7,042 Flathead Indians within the reservation boundaries and 21,317 non-Tribal population. This is only 0.69% of the total Montana State population given control of 16,300,951 Acre Feet of On Reservation water and 31,774,647 Acre Feet of Off Reservation water. This is insane distribution.
- 3) If the CSKT have a water requirement they can go through the Montana DNRC just like every other Montanan. Article IX, Section 3(3) of the Montana Constitution states "**All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.**"
- 4) This CSKT compact is a major taking which includes; giving the tribe more water than all of the other compacts added together plus there are water claims across western Montana that are not on the reservation, taking off reservation in stream flow rights, ignores historic use of water with a one size fits all water allowance that severely limits water rights to an average deliver of 1.03 acre feet of water per year. I heard from a local in Lakeside that the CSKT cannot maintain their own police force.
- 5) 567 American tribes are being subsidized with \$18 BILLION annually to keep their tribal welfare state alive, plus they were given the privilege of gaming on the reservation via the Indian Gaming Regulatory Act in 1988. There are some 411 megabuck Indian casinos in the USA. Plus many reservations are being exploited of the natural resources. To what end are we subsidizing the reservation racial division? There is no accounting, no expectations and no end game defined.
- 6) My research finds that the CSKT Compact is not fair and reasonable to the public interest to those parties and the public interest that was not represented in the negotiations and has interests that could be materially injured by operation of the compact.
- 7) I have documented the history of the CSKT Compact on my web site. Link to <https://www.freedomforallseasons.org/FreedomFromWaterTakings.htm> & go to Section 1.
- 8) Natural resources on public land belong to all of the people. The tribes are being used to create a path into our State public resources to TAKE OUR resources ON FALSE FLAGS. This was what the Uranium One deal was about in part. Tribal courts are a foreign court system per the Idaho Supreme Court. Elaine Willman writes in her book American Tribal Tyranny, that North Idaho Water Rights Group (NIWRA) has filed over 100,000 objections to federal water right claims. The state has recognized that no agreement will be signed off without the state. The Tribe and other federal and state agencies had previously been effective in

picking off citizen opposition one at a time and did not expect such overwhelming coalition of citizens. My paraphrase from Elaine's book.

- 9) The reservation concept and policy is perpetuating and escalating a very small group of minorities into moral and financial codependence for time immemorial. As Elaine Willman wrote in her book "American Tribal Tyranny", reservations are a "slow motion suicide". She writes tribal manipulation = UN + Federal government + Tribes unethical and corrupt BIA.
- 10) In the recent Oklahoma Ruling, OKLAHOMA v. CASTRO-HUERTA, "Indian Country" is **not** separate from State territory; the Court has long held **that it is part of a State** and not separate from it.
- a. "Indian Country" is not the equivalent of a "federal enclave" for jurisdictional purposes. "As a matter of state sovereignty, a State has jurisdiction over all of its territory, including Indian country.
  - b. Indeed, the Constitution allows a State to exercise jurisdiction in Indian country." "State sovereignty does not end at a reservations border." Reservations have boundaries not borders.
  - c. Chief Justice Marshall's opinion in Worcester v Georgia has yielded the following. Since the latter half of the 1890s, the Court has consistently and explicitly held that Indian reservations are "part of the surrounding State" and subject to the State's jurisdiction" except as forbidden by federal law."
  - d. Public Law 280 while providing for additional terms and agreement between the State and the Tribal government contains no provision that leads to the State having no authority within an area that is clearly a part of the State's sovereign territory. "States do not need a permission slip from Congress to exercise their sovereign authority."
  - e. Treaties in the past which inferred Indian country was separate are addressed by Justice Kavanaugh who says, "but history and legal development did not end in 1866" (referring to Treaty of New Echota, et al). "Those treaties have been supplanted." They were supplanted by the State's admission to the Union and its applicable enabling act. "As this court has previously concluded, admission of a State into the Union necessarily repeals the provisions of any prior statute, or any existing treaty that is inconsistent with the State's exercise of criminal jurisdiction through the whole of the territory within its limits, including Indian country, unless the enabling act says otherwise by express words." Justice Kavanaugh adds, "This Court long ago explained that interpreting a statehood act to divest a State of jurisdiction over Indian country wholly situated within its geographical boundaries would undermine the very nature of the equality conferred on the State by virtue of its admission into the Union." Justice Kavanaugh states "But this Court's proper role....is to declare what the law is, not what we think the law should be."

- 11) Elaine Willman, MPA has found in her research that on the average only 20% of the tribes remain on a reservation. 80% of the reservations are non-Indian. Reservations were set up to temporarily house the tribes as the west was settled to allow time for them to assimilate into a western life style. The reservation era is reported from 1850 to 1887. The federal and state governments have created a highly dysfunctional system constantly growing a codependent few into public wards that are not allowed to be set free to make it on their own. The U.S. Department of Interior BIA is a race based funding program that should be phased out. Reservation concept is a long out dated political policy that should never have been allowed to continue some 200 years. Globalism and regionalism forces are using the tribes.
- 12) The Preliminary Degree has the following word counts: 231 for "fish", 101 for "wetlands", 27 for "wetland", 1000 for "water", 936 for "instream", more than 1000 for "diversion", 723 for "creek", 267 for "tribal", 226 for "tribal chairman", 292 for "the tribes", 579 for "reservation", 222 for "Flathead Indian Reservation", **222 for "time immemorial"**, 34 for "tribal water right", 325 FOR "FIIP" (Flathead Indian Irrigation Project), 318 for "State of Montana", 314 for "United States of America", 1 for "Montana Fish Wildlife & Parks, 13 for DNRC, 47 for "Flathead Lake", 20 for "no flow rate", 5 for co-ownership, 5 for "relinquish, 1 for "Groundwater Irrigators", 1 for "irrigators", 0 for "private property", 0 for farmer, 0 for "citizen", 0 for "Montana State Citizen", for "private well, 0 for "constitution", 0 for "property owner", 0 for "treaty"
- 13) By the above key word counts in the 671 page CSKT Compact Preliminary Degree one can create a rough overview of the nature of the degree. The first red flags are the favoritism toward the tribe, tribal chairman, and reservation plus hundreds of uses of fish, wetlands, instream, water, diversion, creek, time immemorial and hundreds of uses of State of Montana and United States of America versus very little mention to no mention of groundwater irrigators, irrigators, private property, farmer, citizen, private well, property owner, constitution, citations of law justifying the takings. Clearly this is extreme overreach and transfer of Montana natural resources to one Indian Tribe with the help of the State of Montana and the federal government without consent or direct participation by the Citizens of the State of Montana. This is a war on farming and private property owners. [This type of taking is going on in Germany, check this out.](#) You have to blink twice to see this taking just like the old woman young women graphic next to it. Those that take cannot see it both ways. To see both sides clue - the red lips of the old women is also a red necklace of the young women.



- 14) Furthermore, American Indian tribes thriving on public grant land reservations receiving billions in federal subsidies should be barred from donating campaign contributions to any public official.
- 15) This State to Tribal circular favoritism and funding creates enormous disadvantages at the local level, i.e. how do locals fight local tribes who have nothing to give but have so much funding and dozens of legal staff to TAKE anything they want? This CSKT Compact is the rotten seed being fertilized with political manure.
- 16) This CSKT compact was marginally passed in Montana House voting 53 Yeas to 47 Nays and was and is highly contested and has not been allowed to be voted on directly by the Montana Citizens. Any legislation of this magnitude and divisiveness should be put before the Montana Citizens.
- 17) Add how vote was corrupted from my site org chart.**
- 18) In a free Republic, the state Citizens should be voting on these bills via a ballot BEFORE they are passed AND all bills should be fully vetted to the state and U.S. Constitution BEFORE passing. The following two Writs of Certiorari to the Supreme Court of the United States lay out the Indian country history showing that a permanent land classification of Indian country is unconstitutional.
- 19) Here are further supporting findings filed in a Writs of Certiorari by Lawrence A. Kogan Counsel for Citizen Equal Rights Foundation (CERF) filed in the Supreme Court of the United States. While this case is addressed within the context of The Indian Child Welfare Act (ICWA) Counsel does an excellent job of exposing how ICWA is based on 1871 Indian policy which continues to treat Native Americans as wards or less than full American citizens. Secondly, Counsel shows how the 14th Amendment reinforces the constitutional structure to prevent domestic use of the territorial war powers to change the status of citizens in States to territorial residents. The changes in law proposed will protect Native Americans as well as all persons subject to the jurisdiction of the United States from being treated as less than competent adults capable of making their own decisions. The following highlights are quotes extracted to show the over control of the federal government in the lives of free and sovereign American state Citizens.

- I. ICWA is based on the perpetual exercise and enforcement of the territorial war powers as allowed by the plenary authority over Indians.
- II. ICWA treats States as Federal Indian country not as full separate sovereigns making them Perpetual Federal Territories.
- III. ICWA changes the rights of the Indian child and fundamental parental rights to the detriment of the child.
- IV. This court created the equal footing doctrine because slavery prevented creating an equal protection standard.
- V. [Returning to the natural rights doctrine is the way to reset federal sovereign authority.](#) (Link to my web site on this extremely key founding concept.
- VI. Abraham Lincoln understood what was required to completely limit the territorial war powers and set up the changes at the end of the Civil War to allow us to reach for the fulfillment of the Framers goal of equality as set in the declaration of Independence
- VII. This Court can declare that a permanent land classification of Indian Country is unconstitutional and enforce its decision by expanding the application of the 14th Amendment against Congress.
- VIII. This can be done by declaring "Indian country" unconstitutional using the anti-commandeering doctrine. Indian country was a temporary land designation as created by this Court. Indian country was never intended to be a permanent federal land status as was allowed in *Fellows v. Blacksmith*, 60 U.S. 363 (1857), and more recently by statute. As a permanent land status Indian country violates the express language of the Territory Clause that requires Congress to dispose of the territories commandeering concurrent state jurisdiction. See *Commonwealth of Puerto Rico v. Sanchez Valle*, 136 S. Ct. 1863 (2016) and *Puerto Rico v. Aurelius Investment LLC, et al.*, 140 S. Ct. 1649 (2020).

20) In another Writ of Certiorari to the Supreme Court of the United States Lawrence A. Kogan, Counsel for Citizens Equal Rights Foundation has argued for over twenty five years that two sets of conflicting laws over Native Americans have existed since the Civil War. Counsel Kogan shows how Indian land status was deliberately manipulated first by Southern lawyers in order to preserve a legal means to justify slavery. Then how land status was used during the Civil War by President Lincoln to end slavery and reset the Indian trust relationship that and land status back to the Indians becoming citizens. Finally how with President Lincoln's assassination Secretary of War Edwin Stanton reached back to the Dred Scott decision of 1857 to deliberately use the obfuscated Indian land status to justify punishing the former rebellious Southern States and to intentionally preserve the unlimited territorial war powers in the national government through the 1871 Indian Policy. Counsel Kogan concludes how the Indian Reorganization Act of 1934 and the Nixon Indian Policy are extensions of the 1971 Indian War Policy. i.e. "Indian country" has become a permanent land status that commandeers the concurrent jurisdiction of Oklahoma and should be declared unconstitutional. The following highlights are extracts quoted to show the over control of the federal government in the lives of free and sovereign American state Citizens.

- I. **Indian Land Status Was Intentionally Affected By The Slavery Debate. Before the Civil War, this Court determined that Congress had plenary territorial war power authority to determine the processes and rights of persons in the territories until those territories become States.**
- II. **The Lincoln Indian Policy Was In Place Before The 1871 Indian Policy And Has Never Been Addressed By This Court.**
- III. **This Court can declare that a permanent land classification of Indian Country is unconstitutional**

21) The current Montana bill passing process creates and enables this false flag entitlement to the tribes in that there is not direct consent of the state Citizens or vetting to the state Constitution or U.S. Constitution in the bill process.

- a. The truth is that the tribal minorities are being used to control the state majorities via federal subsidies. [You can see this shadow process on my website in a table, Section 1, Block 4, that 4 NW States with 53 tribes represent ONLY 3% OF THE TOTAL population.](#) This is the real political gaming table that the political Deep State and globalists are using to game the big money and big public natural resource!

22) The true and honest fix to all these tribal problems is to stop all federal, state and local subsidies to the tribes. Also the continued use of public grant lands for reservations should be discontinued immediately! These tribal policies create grossly dependent and vicious cycles among people who should have been completely free 110 years ago. These are proud people and they should be given their freedom not made codependent victims via [\\$31 billion dollars of subsidizes as March 6, 2021](#) up from [\\$20 billion September 13, 2018](#). That is near 14% per year increase. Guess which federal agency allocates the most to the tribes, no it's not the BIA; it is the Department of Health and Human Services spends more than twice as much assistance as the whole DOI which includes the BIA, see last link in this paragraph. There are 5.2 million American Indians and Alaska Natives or about 2 percent of the U.S. population. That comes to \$5,961.54 per Indian using the \$31 billion.

23) Tribal bondage by welfare and the non government groups who use them are enslaving the tribes and their fellow property owners surrounding them! Elaine Willman, MPA writes extensively of this in her two books, "Going to Pieces - The Dismantling of the United States of America" and "American Tribal Tyranny".

24) Please review my findings on my website Section 1, Block 1, Regarding Confederated Salish and Kootenai Tribes Water Compact. Please link here - [Freedom From Water Takings](#).

25) Also check out [Going to Pieces](#) and [Slumbering Thunder](#) by Elaine Willman, MPA who is also an American Indian.

26) Even John Stossel reports on this codependent cycle of big government in YouTube.

- a. [How the Government Turns American Indians into Freeloaders](#)

b. [5 Ways the Government Keeps Native Americans in Poverty](#)

- 27) There are 574 tribes in America plus another 400 wannabe groups who want this tax payer funded welfare scam. No wonder they want our water rights for time immemorial as long as they can tax us to death for time immemorial to continue this reservation charade! Senator Al Olszewski has called this long negotiated water compact between the state of Montana, the federal government and the CSKT "the most divisive issue in modern Montana history." Also, State Senator Dee Brown and State Represent Joe Read and Lake County Commissioner Gale Decker all oppose the CSKT Compact.
- 28) This circular political complicity must stop now before we all become more enslaved than we already are to the twisted political and judicial policies of the Deep State within the states and fed.
- 29) Those involved in helping the tribes have an ulterior motive and do not have the courage to stand up and stop this nonsense of placating people who should have been freed from the federal reservation mentality a hundred years ago.
- 30) The tribes and the governments cannot have it both ways. Twenty percent of the tribe members continue to live on designated reservation areas on public land grants which were to be only temporary until the tribes were assimilated into a new life. About Eighty percent have assimilated off the reservations on the average. Why does it make sense to continually encourage the remaining twenty percent to stay on the reservation by subsidizing them with more funding and give away natural resource legal fiction policies? Why should they assimilate when they are making a fortune being exploited by the state and federal government Deep State with billions of dollars of graft?
- 31) The reservation system serves only 22% of some 5 million Indians. This represents only 0.3%, (1.1 million divided by the current USA population of 335,754,381 times 100%). NO WONDER THE RESERVATION SYSTEM IS NOT CONSTITUTIONAL.
- 32) The tribal members fear their own leaders per Elaine Willman books. If a few leaders of the tribe wish to go to court claiming they have water rights over the state that are clearly legal fiction, then let the case find its way to the Supreme Court of the United States. They would not be able to afford this but for the federal subsidies. Using federal tax dollars and State give away programs only reinforces more victim mentality creates a rolling avalanche of more tribal welfare. Also reinforcing a faux sovereignty shield just emboldens the federal agencies, congress and the tribes. Tribal population is increasing as well as the handouts so where does this give me cycle stop? The answer is it must stop NOW, no exceptions. There is no justice in enslaving 300 million some Americans to support 2% of the population. If they cannot become independent by now after some 200 years they certainly will never become free.
- 33) The "three amigos" as Dr. Kate call the global to local Deep State triangle, i.e. CSKT tribe, Montana State and the Fed cannot make hay even out of 671 pages of An "In The Water Court Of The State Of Montana Conferated Salish And Kootenai Tribes - Montana - United

States Compact" preliminary decree when they intentionally misrepresent and disregard the fundamental and founding actions, principals and charters of this great land and the great state of Montana! These groups are a small political bodies which have crawled out of their sand boxes to attempt to control the God given divine nature of each one of us.

- 34) **In a sentence what is going here in the Flathead Lake Valley Montana is exactly the same pattern of taking around the world by the Deep State and Globalist; that is the removal of vast regions of highly productive lands and waters for environmental extremism to isolate local self sufficiency and independence for local to global control and dependence based on extreme green gangrene false flags.**
- 35) **Chief Joseph has long been my hero from my childhood growing up in Montana. I have pictures of him and his wise words in my shop. I have lived in WISDOM, Montana and the Big Hole and visited the Big Hole National Battlefield many times before and after the site was moved. His WISDOM deserves quoting here: "Treat all men alike. Give them the same laws." Let us follow HIS sage advice and not make special compacts and special treaties for every type of special people in Montana. If we did this, we would have one million laws because all Montanans are very special people.**

Sincerely,

Jack Venrick

Jack Venrick

Rollins, Montana

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