

**Federal Domestic Abuse – the Political Ruin of 30,000 Montanans
And Confiscation of 350,000 Others’ Property Interests.**

At least since 1998 and likely sometime sooner, federal and tribal officials were coercing State leaders into submission to surrender major protections of natural resources, property rights, water rights, Constitutional and civil rights of Montanans. A *1998 Memorandum of Understanding (MOU)* signed then by Chris Tweeten for the State, of 2011-2015 Water fame and notoriety, as well as tribal and federal officials created the poison potion for the Flathead Reservation property owners to consume. With the recipe in place, the instructions for administering the concoction were laid out by the CSKT Tribe in a *2001 Proposal for Negotiations*. And they were followed – to the letter over the next 17 years. Within these two documents many years ago was the plan and path to minimize the voice and silence those most directly impacted—property owners within the Flathead Reservation, 80% of whom are non-tribal citizens of the State.

Most of those directly harmed were entirely unaware that from 1998 to 2011 the federal jackboot was being crafted by numerous federal, state and tribal entities. A thirteen-year head start of multiple agencies that withheld public information for this period of time, certainly gave the feds, tribes and state profound leverage over a few courageous citizens asking questions or voicing concerns.

On April 11, 2015, the State Legislature approved the proposed CSKT Water Compact by a vote ruled unconstitutional on July 18, 2016, but this Compact moves forward anyway, for ratification by Congress. To add steroids to the strangling of farming, ranching, property rights, local small town economies, Senator Jon Tester has taken it upon himself to greatly expand the Compact approved by the State Legislature. The Senator as well as a Montana State Court have done end runs around the State Legislature. Tester’s Senate Bill 3013, the *Confederated Salish-Kootenai Water Settlement Compact*, - trebles the federal dollars to the tribe from 1.2 to 4.0 billion, requires the State turn all State waters over in the Compact land area to the federal government in trust for the tribes, and pony up \$55 State tax dollars before the feds disburse the 4 billion.

Neither the Feds nor State will have any liability, nor will the tribe. Neither the feds nor state will have any oversight either. Landowners and residents have not a single government to turn to for redress. A small Unitary Management Board, heavily seated by tribal officials will control all matters concerning Compact implementation and will be the only place those harmed may take a complaint.

It is 2016 now. Farmers, irrigators, landowners within the Flathead Reservation have lost control or any voice over everything necessary to produce life on their lands. The Tribe has 100% control of access to water. The Bureau of Indian Affairs controls the operation and maintenance of the irrigation districts. The federal government and tribe entirely control the former Kerr dam, with no reporting requirements, and no scrutiny of its public safety. The Bureau of Indian Affairs owns the Mission Valley Power Company that provides electricity to all households and lands within the reservation, and is operated by the tribe. Oh, and the tribe has

no duty to non-tribal citizens or to keep America safe. An unaccountable federal monopoly now controls life on non-Indian lands in Western Montana.

The Secretary of Interior has the last word on the Flathead Indian Reservation for water, power and irrigation. Not the Governor, not the State. Farmers and cattlemen fully know that life doesn't happen on land without power and irrigation. And it's the feds and tribes that will now arbitrarily set all rates for each—water and power, answering to no one, not the ratepayers or even the State's Public Services Commission (PSC). It is the CSKT that no longer contributes to county and school district economic needs, so a substantial tax burden now shifts to the landowners as well. Water rates will go up; irrigation rates will go up; power rates will go up; taxes will go up. This final economic squeeze is a foregone conclusion—it is a dead certainty. The only things going down will be business income, household income, and land values. All of this is against the law. In the mid-80s a mission of the CSKT was to remove all non-Indians (approximately 30,000) from the reservation by 2030 "by any means necessary." The stage is surely set.

Throughout this seventeen year period, during which landowners have been slowly bullied, demeaned and silenced, the State of Montana has made no effort, whatsoever, to protect its citizens and their collective right to own and enjoy the state's natural (water) resources, for which the state is held legally responsible as a fiduciary under the public trust doctrine. Few attorneys, if any, have lifted a finger to assist the property owners. Public meetings were mere theater, feigned to pretend that any citizen voice mattered. The song sheets of the *1998 MOU* and the *2001 CSKT Settlement Negotiation Protocols* have been followed to the tune without missing a note or a beat.

Narrowly customized "help" was provided to the Flathead Joint Board of Irrigators (FJBC), keeping conversations limited to in-stream flows and not much else. Efforts by FJBC advisors have intentionally kept chronic divisiveness and dysfunction within the FJBC Board. These eleven fine Board members all deeply believe in the FJBC, are landowners and irrigators themselves, but pitted against each other could cause the collapse of the FJBC. Apparently, the federal and state governments' objective have long been to facilitate the failure of the FJBC so that the CSKT Water Compact can succeed. A well-functioning FJBC is a direct obstacle to successful CSKT Water Compact implementation. The FJBC and everyone must lose for the CSKT Water Compact to succeed. The plan set twenty years ago has wrought great fear and pain to truly fine Montanans.

To be blunt, the Interior Department and its Bureau of Indian Affairs now serve as pimps for federally recognized tribes, including the CSKT, who willingly submit themselves before the congressional and executive altar as "dependent" sovereigns to ensure rapid expansion of their "sovereignty" and legal jurisdiction over non-tribal lands, waters and persons; and the State of Montana is a willing and compliant customer, leaving an additional \$55 million in State taxpayer dollars on the dresser. Indeed, while the State and Federal government lie comfortably together behind closed doors, the citizens of Montana have publicly had their dearly held constitutional, civil and private property rights pick-pocketed and transferred to others.

The State government has paid little heed to the printed words within the Montana Constitution or within the four corners of the federal Constitution, including the Tenth and Fourteenth Amendments and the Bill of Rights. Abandoned by their guaranteed representative government, good Montana people will be forced to move out and move on. The seven or eight Montana tribes will stand to devour the remainder of the physical State, as Montana's governing institutions and structure increasingly become puppetry to implement federal directives for even greater tribal sovereignty and jurisdiction.

Want proof that this intentional theft of property owners' water rights and interests have not been entirely orchestrated and maneuvered by the federal government and its operatives on the ground in Montana? One small group of citizens recently engaged legal counsel to get their voices heard by the courts and federal agencies, and to claim their rightful due process, equal protection and property rights. And these folks are now painted as Enemy Number One. How dare a few property owners seek to protect their interests and their livelihoods? Those unable or unwilling to support these landowners remind me of the beaten wife contacted by domestic abuse counseling services that offer to help, but she sees them as bringing more trouble to her door, until she's found dead in her home.

Governor Bullock, and Attorney General Fox: Should Flathead Reservation land and water owners just lie down and drink the poison? How does that comport with your Oaths of Office? Who would have thought Montana, of all states, would succumb to such federal domestic abuse of the State, and then conspire with the federal government to deny its citizens' State Constitutional protections of private property, water rights, and due process procedural rights?

This Compact, now bloated and inflated in Senator Tester's S. 3013 bill is the blueprint and model for rolling out to the six other tribes in Montana, as well as tribes throughout the Western States. The current White House administration is hell-bent on taking down America's food production by confiscating State waters, using tribal governments and reservations as the launch pads.

Absent support from the State of Montana or any current federal government entity, and in spite of serious demeaning and intimidation, some courageous property owners will eventually have their day in court. And that is a good and necessary thing if property rights and due process are to exist for citizens anywhere in Montana today or tomorrow.

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***Going to Pieces...the Dismantling of the United States of America (2015); and
Slumbering Thunder...a primer for confronting the spread of federal Indian policy and tribalism
overwhelming America (2016)***

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