

**BLATANT LIES, WRETCHED LIES, AND DAMNED LIES  
CONCERNING INDIAN TRIBES AND TRIBAL COURT  
JUDGMENT AS PRACTICED BY THE U.S.  
GOVERNMENT ©**

Below is a List of the unusual and abnormal allegations made by some ignorant, arrogant, uninformed, ill-informed, uneducated and semi-educated legislators, judges, private and government attorneys and lawyers who prefer hubris, hype, and hypocrisy while being patently petrified of *federal Indian law* with its obvious ramifications.

Our responses and answers are in italics beside the underscored lies:

**LIE NO. 1:**

**Tribal court judgments are not valid** – *28 United States Code § 1738 provides for full faith and credit entitlement to tribal court judgments. 18 United States Code § 2265 offers full faith and credit entitlements to tribal court protection and protective orders. It is that plain and simple. No translations or interpretations required. Yet, there are some collections firms and collection attorneys who have no clue as to its validity, authority, and power.*

*It is blatantly obvious that state and federal court judges, and attorneys and lawyers practicing in these courts deplore the thought of a parallel government – a tribal government – mandated by federal and state law. These are the so-called professionals who refuse to give the rule of law any regard, reverence, or respect. These are the so-called professionals who are owned by Wall Street. Read John R. Talbott’s book “The 86 Biggest Lies on Wall Street” to get a former investment banker’s insights into what Wall Street actually represents and controls.*

*Talbott predicted the housing crisis in his 2003 book “The Coming Crash in the Housing Market” and the global banking crisis in 2006 in his other enlightening 2006 book “Sell Now.” Everyone ignored his warnings. Especially the government. It yearns for chaos and disorder because this is when laws take a backseat in favor of Congress trying to right the wrongs through dinners, speeches, public appearances and announcements that baffle the public who love to go back to the voting booths every four years to vote the same idiots into power.*

*Tribal court judgments prove mortgage fraud and the issue of Aboriginal title that are usually frowned upon and dismissed by state and federal courts. These judgments bring great relief to homeowners who were evicted from their homes for asking the right, appropriate, and relevant questions through QWR (Qualified Written Request) pursuant to 12 United States Code § 2605(e)(1)(B), a federal law that is designed to protect consumers.*

## **LIE NO. 2:**

### **Tribes that are not federally recognized have no standing -**

*If you read, review, and examine the Indian Commerce Clause, Art. 1, sec. 8, cl. 3 of the U.S. Constitution, it says that “Congress shall have the power to regulate commerce with foreign nations, amongst the several states, and with Indian tribes.” Now, you will notice that the words and phrases like “treaty tribes,” and/or “federally recognized tribes,” are not mentioned in this Article.*

*Tribals are also mentioned as “Indians not taxed” in Art. 1, sec. 2, cl. 3, U.S. Constitution, and sec. 2 of the 14<sup>th</sup> Amendment. Again it does not say “federally recognized Indians” or “Indians whose tribes signed treaties with the federal government.” So, the obvious question is: who invented this spin? The “federally recognized tribes” yarn and spin is purely a politically woven lie*

*to confuse the issue that Indian tribes are **inherently sovereign** predating European contact, the U.S. Constitution, and legislation. You are encouraged to read Felix S. Cohen's "The Handbook of Federal Indian Law" to gain valuable insights about this highly specialized area of the law that most state, federal judges, and lawyers are unaware of because it seems to be their God-given right to be uninformed or ill-informed in their professional calling.*

### **LIE NO. 3:**

**Native Americans and Indian Tribes have limited powers** – *this is true up to the point of accepting an outrageous lie for a fact as an expression and representation of the truth. The truth is simply that we Native Americans need no legislative imperatives to carve out a bill of rights for us. The truth is simply that we have always had inherent rights and sovereignty. We were the stewards of the land by practicing the strictures and doctrines of communal property ownership, not private property. We followed the teachings of the Holy Bible way before we were exposed to the Word of God. We practiced Leviticus 25:23; Proverbs 22:28 and Proverbs 23:10-11 as spiritually explained and exposed to us thousands of years before the printed word became vogue.*

*We have unlimited powers that are God-given under the standards and strictures of natural law and natural justice. Man-made laws are deficient, defective and destructive. They will ultimately vanish like Sodom and Gomorrah.*

*Tribal powers are limited only to the extent that an unfair and unjust administration uses its legislature, executive and judiciary to unleash disadvantages, warped decisions and bad laws upon us. We are not intimidated by these false representations of law and justice. WE WILL FIGHT BACK. That's our nature. We never lost it.*

#### **LIE NO. 4:**

**Tribes have no right to adopt anyone and make them enrolled tribal members** – usually uttered by immigration attorneys and administrative judges who are afraid of their livelihoods being taken away by Art. 1, sec. 8, cl. 4 of the U.S. Constitution which says Congress shall only make **Rules** of Naturalization, not **Laws** for Naturalization. A law may be a rule, but a rule cannot be a law. There are hundreds of cases decided by the federal courts and the U.S. Supreme Court that grants and empowers tribal adoptions and enrolments – see Section 372a of 25 United States Code.

*Columbus and others who came before and after including the Pilgrims and other settlers arrived in Indian country continental America without valid travel documents, passports or visas, yet had the nerve and gumptions to make immigration laws without asking Aboriginal permission, consent and approval. There was a time when passports were required of the white settlers who wanted to travel through Indian country. See the Act of March 3, 1802 §3, 2 Stat. 139 empowering State governors to issue passports for travel through, **not settlement in**, Indian country. But, we all know what happened to illegal settlements which blossomed into hamlets, villages, towns, bustling cities and metropolises.*

*INDIAN TRIBES should be issuing passports for international travel too if the United Nations Declaration on the Rights of Indigenous Peoples of 13 September, 2007 adopted by 144 member nations means anything. Not surprisingly, the United States, Canada, New Zealand and Australia voted against its adoption for obvious reasons.*

*Recently, one of our tribally enrolled members decided to ask an attorney if tribal enrolments were valid. The fool replied that it was not. It's because he did not know. Instead of saying he did not*

*know, the fool said it was not valid. I am not sure if the other fool agreed with the first fool.*

“A tribe’s right to define it’s own membership for tribal purpose has long been recognized as central to it’s existence as an independent political community. **A tribe is free to maintain or establish its own form of government. This power is the first element of sovereignty.** Tribal government need not mirror the U.S. government but, rather, may reflect the tribe’s determination as to what form best fits its needs based on practical, cultural, historical or religious considerations.”

*Smith v. Babbitt, 875 F.Supp. 1353,1360 (D. Minn. 1995);*

*Santa Clara Pueblo v. Martinez 436 U.S. 49, 72, n.32 (1978);*

*United States v. Wheeler, 435 U.S. 313, 322 n. 18 (1978);*

*Roff v. Burney, 168 U.S. 218 (1897)*

*Cherokee Intermarriage Cases, 203 U.S. 76 (1906);*

*Native American Church v. Navajo Tribal Council, 272 F. 2<sup>nd</sup> 131 (10<sup>th</sup> Cir. 1959)*

*Chapoose v. Clark, 607 F. Supp 1027 d. Utah 1985 aff’d 831, Fed 931 (10<sup>th</sup> Cir. 1987).*

“Undocumented aliens” are most certainly eligible for tribal adoption. We can and should utilize their vast array of skills. Sergio C. Garcia, an undocumented alien, was allowed to practice law in California. See Case No. 202512, In re SERGIO C. GARCIA on Admission, Supreme Court of California.

**Counsel who argued in the California Supreme Court in the Sergio C. Garcia case:**

Jerome Fishkin, Fishkin & Slatter, 1575 Treat Blvd., Suite 215  
Walnut Creek, CA 94598 (925) 944-5600

Ross C. Moody, Deputy Attorney General 455 Golden Gate  
Avenue, Suite 11000 San Francisco, CA 94102-7004 (415) 703-  
1376

James N. Wagstaffe, Kerr & Wagstaffe 100 Spear Street, Suite  
1800 San Francisco, CA 94105 (415) 371-8500

Daniel Tenny, Department of Justice Civil Division, Room  
7226 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530-  
0001 (201) 616-8209.

And yet, the government tells others they are not eligible for  
naturalization based on federal Indian law. Time for people  
wanting truth and justice to awaken from ignorance unleashed by  
the government.

### **LIE NO. 5:**

**Fee simple, land patents, land grants, and allodial titles are superior to Indian title** – *they will never ever tell you about usucapion (Latin for ownership due to lengthened possession). Whether you are Indian or not, usucapion is beautifully codified in 18 United States Code § 1151 where **Indian country** is defined. Even if a State came into existence in Indian country, it is nevertheless in Indian country UNLESS Congress extinguishes Indian title. That goes for rights-of-way infrastructure (freeways, highways, roads, buildings, and all other easements that came into being by legislation). Adverse possession and eminent domain are the judge-made laws that prevail over the universal truth.*

*Individual Aboriginal Title has been recognized in Cramer v. United States, 261 U.S. 219 (1923); Carino v. Insular Government of the Philippines Islands, 212 U.S. 449 (1908); and in United States v. Dann, 873 F. 2d 1189 (9<sup>th</sup> Circuit). Throw in the definition of **Indian country** for good measure, as codified under 18 United States Code § 1151, and we have a dynamic paradigm shift when mortgage purveyors take your money (down-payments and monthly mortgage payments); securitize your mortgage note*

*without disclosing this to you; and thereafter evict you without superior title to the realty.*

*Indian Tribes should be able to stop these illegal acts once police power is attained.*

### **LIE NO. 6 :**

**Congress has plenary power over Indian tribes** – “plenary” means absolute, unlimited, unrestricted, unconditional, sweeping, and comprehensive. Does the U.S. Constitution grant such powers to Congress over Indians and Indian tribes?

Art. 1, sec. 8, cl. 18 provides that Congress shall have the power “To make all Laws which shall be *necessary and proper* for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

A careful reading of this clause will reveal that Congress does not have the power to make *any* law but only those that are *necessary and proper*. This muzzles congressional power in that whatever laws are made shall have to be necessary and proper. No arbitrary, capricious, vexatious or acrimonious laws are permitted. It is a self-restraining power over Congress unlike the British Parliament that can make or unmake any law under the doctrine of parliamentary supremacy. In the United States, we do not have congressional supremacy.

So, where does U.S. Congress get its “plenary” power from if not from a self-proclaimed and self-confessed excess and over-reach. It has assumed the power that is constitutionally disallowed expressly or impliedly. **Being the original landowners, American Aborigines have inherent plenary power over their affairs and over those who have chosen to come to our shores and make this their home.** And we do not need congressional power to say so

when it comes to Aboriginal affairs. The founders were careful to enact the Indian Commerce Clause designed NOT to manage our affairs, but to regulate commerce. Regulating commerce has nothing to do with managing or interfering in tribal affairs.

Marbury v. Madison, 5 U.S. (1 Cranch) 137, (1803), made it clear that any law that is repugnant to the U.S. Constitution can be declared as unconstitutional, and thus void. Plenary power assumed by Congress certainly qualifies as a repugnance to our Constitution which by the way is not relevant to Indians and Indian tribes. We have the Indian Civil Rights Act of 1968 which again can be relegated to repugnance if it violates the Constitution and to our inherent rights as a People who have always been the original landowners under the doctrine of *usucapion*.

### **LIE NO. 7:**

**Treaties are to be considered the supreme law of the land pursuant to Article VI, sec. 2 of the U.S. Constitution** - This is typical of politicians who believe they are above the law. They are the ones who break every law when it is proper and necessary. They will only cite and quote the law where it is proper and when it is necessary. Under international law, treaties are signed between two or more sovereigns in furtherance of a common intention to develop and improve inter-government relations. Indian tribes are sovereigns. The fact that treaties were concluded in the early days of settlement evidences this inexorable fact.

Every president after Thomas Jefferson concentrated on territorial expansion and poking our political, economic and noses in the affairs of other nations while ignoring tribal governments and breaching treaties. “Indian removal” and “manifest destiny” were war cries that perfectly fit the plans of the fledgling United States government at the expense of Indians and Indian tribes. WHO CRIES AND FIGHTS FOR US ?? !!

Federal courts and the U.S. Supreme Court have frowned upon the breaching and breaking of treaties, but no enforcement has come to our aid and assistance. It's just empty talk. Essays, scholarly articles, docu-dramas and movies have been produced, but NO action has been forthcoming to restore our treaties and the provisions therein. We Aborigines have to become more proactive to restore and redeem our rights, otherwise they will be completely watered down.

No point looking to state or federal governments to hand over our rights in a silver plate. We have to be the ones to find the pin and the haystack.

**If treaties are to be considered, treated, entreated, and invoked as part of the supreme law of the land, it's left to our tribal courts to apply and enforce their provisions. Tribal governments through tribal leaders and elders can make a huge difference IF and WHEN fear of the government is discarded like an unwanted dirty rag. Indians and Indian tribes have to quit this downright nasty and disgustingly dirty habit of being mortally afraid of the United States government. A REBIRTH AND A RENEWAL OF THE MIND IS UTTERLY NECESSARY.**