

WESTERN STATES CONSTITUTIONAL RIGHTS, LLC

PRESS RELEASE

Unconstitutional Congressional Legislation to Hand Western and Rural Lands and Waters to Native American Tribes

Polson, MT – September 6, 2016. Earlier today, at the start of the 2016 lame duck session of the 114th Congress, the nonprofit Western States Constitutional Rights, LLC bombarded the offices of the Montana Congressional Delegation and various U.S. House and Senate Committee and Subcommittee Chairs with their detailed written objections to four unconstitutional bills now before Congress:

- S.3013 - *The Salish and Kootenai Water Right Settlement Act of 2016* (s.3013), authored/sponsored by U.S. Senator Jon Tester (MT-D), would, if enacted into federal law, cede to the Confederated Salish and Kootenai Tribes of the Flathead Reservation extensive federal water rights comprising approximately 20% of State waters. Such grant would displace Montana's jurisdiction over one-fifth of the State's plentiful waters and appurtenant lands and effectively supersede, if not, extinguish the private water and land rights of northwestern Montanans, and potentially all western and rural Americans.
- S.3014 – *The Tribal Forestry Participation and Protection Act of 2016*, authored/sponsored by U.S. Senator Steve Daines, (MT-R), H.R. 2647 – *The Resilient Federal Forests Act of 2015*, authored/sponsored by U.S. Representative Bruce Westerman (AR-R), and S.3085 - *The Emergency Wildfire and Forest Management Act of 2016*, authored/sponsored by U.S. Senator Pat Roberts (KS-R), each contain tribal forestry management provisions that would, if enacted into federal law, provide all Native American Tribes located near U.S. national forest and park lands with federal contracts to manage, oversee and control them for federal regulatory and other purposes. Native American Tribes need only show the U.S. Departments of Interior and Agriculture that the forest and park lands of interest are somehow connected with a prior Indian Treaty, Indian Reservation or Indian Tribal Homeland. The tribal forestry management provisions within these bills would effectively further diminish the private property (water and land rights) of rural Americans throughout the United States to tribal sovereign governments not subject to the U.S. Constitution.

These bills double-down on Congress' practice of continually providing monetary and other reparations to these "dependent and sometimes exploited peoples" in satisfaction of a judicially created fictional U.S. government fiduciary trust obligation all Americans are deemed to owe them. This obligation, however, cannot be found anywhere within the U.S. Constitution's enumerated provisions.

These bills, if enacted, also would fulfill the Obama administration's newly accepted legal obligation to uphold the provisions of the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP"). Such provisions, for example, require the full legal recognition of the traditional, existing and to-be-acquired ownership, occupation or use of indigenous peoples' lands, territories, and natural resources.

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Clearly, there is much to criticize in these bills, and Congress must promptly explain how it can justify sanctioning racial discrimination in favor of tribal religious, cultural and spiritual rights, at the expense of non-tribal Americans' constitutionally protected private property rights and natural rights-based liberties.

Copies of Western States Constitutional Rights, LLC's 68-page legal memorandum and the 7-page summary transmittal letters sent to Congressional members are accessible online at: http://www.koganlawgroup.com/uploads/The_Unconstitutionality_of_S.3013_S.3014_H.R.2647_S.3085.pdf.

All media inquiries should be directed to The Kogan Law Group, P.C., NY, NY Western States Constitutional Rights, LLC's legal counsel.

Western States Constitutional Rights, LLC is a Montana-based nonprofit entity, the mission of which is to promote the protection of private property rights held by western United States property owners against reckless federal, state and local government laws, regulations and policies. Its members are irrigators, landowners and business owners located on or near the Flathead Irrigation Project situated within the Flathead Indian Reservation, and from other areas in northwestern Montana, but their concerns are widely shared by many citizens throughout the western and rural United States.