

LAKOTA

CONFEDERACY OF THE BLACK HILLS

A Sovereign Nation re-established at Bear Butte July 14, 1991

northern cheyenne

National Provisional Government

Member Bands and Tribes

***** DECLARATION OF SOVERIEGNTY *****

***** INTERPRETATION OF JURISDICTIONAL GROUNDS *****

nkpapa
ala
necorjou
ipo
nenumpa
le
angu
nktion
saapa
itoe

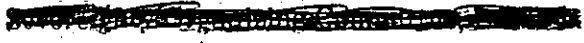
We the LAKOTA, NORTHERN CHEYENNE and on behalf of signatories of the 1851 TREATY OF FT. LARAMIE, 1868, charge the United States with the infringement of our territorial sovereignty. This violation has been recorded in history as the 1871 Appropriations Act (Rider). Our LAKOTA DECLARATION hereby terminates colonial occupation and interests of the territory defined as " PERMANENT INDIAN TERRITORY " in the previously mentioned treaties.

LAKOTA unwritten sovereignty over this territory since time immemorial has now come into conflict with the claim of the United States , for thier laws are written in the form of a constitution, based on an assumption of superiority of written words. However LAKOTA laws are original, customary, traditional, oral and inherent.

Our claim to jurisdiction is inherent and it is for the natives of this territory to determine the destiny of our territory and not the territory to determine from afar the destiny of the people. LAKOTA hunting fishing trading land and water mineral and sovereignty rights have not been yielded to the United States during peacetime, at war, nor through the conveyance of a treaty. A treaty was not a grant of rights to the indians but a grant of rights from them. There was an exclusive right to jurisdiction and sovereignty reserved within them. We the LAKOTA challenge the Supreme Court rulings and legislation introduced by acts of Congress as inapplicapable to the natives of the respected territory. Hence the claim to jurisdiction based on the Conquest and Discoverey has never occured.

For LAKOTA TERRITORY the case for the LAKOTA/ 1851-1868 TREATY the case for contention rests on a different footing than the rest of native treaty claims. No formal conquest occured, no declaration of war had been declared, and no Cession occured. Moreover of NOVEMBER 4,1988 the United States descided to become civilized and signed the GENOCIDE TREATY.

In a review of our understanding of the constitution and it's requirements for civilized activity, the desire of the american administration was to create INCHOATE TITLE. It was the intent of the United States to perfect title over time.However we, the indigenous people holding original title remain in peacefull occupancy.The LAKOTA not only hold ORIGINAL TITLE but our claim to sovereignty and peacefull coexistance and a continous display of our authority over lands is contrary to the claim by the United States which has based thier claim on the titles of discovery and of recognition by treaty and contiguity. i.e. titles relating to acts or circumstances leading to the aquisition of sovereignty ; they have not, however established the fact that sovereignty was so aquired and effectivly displayed at any time. We the LAKOTA/ CHEYENNE ect. concure with the precedent set in the UNITED STATES vs. NETHERLANDS, wherein the UNITED STATES lost it's



LAKOTA

CONFEDERACY OF THE BLACK HILLS

A Sovereign Nation re-established at Bear Butte July 14, 1991

in Cheyenne
Provisional Government
Bands and Tribes

claim to INCHOAT TITLE, (Palmas Island Arbitration, 1928). Improper-
riety such as the 1980 Supreme Court ruling upholding United States
policy for providing compensation without return of lands or the
inherent sovereignty or jurisdiction rights is mere desire and poli-
tical ambition and cannot extinguish the principle of the continuous
and peaceful display of the functions of the natives of 1851 treaty
occupation within the territory and is a constituted element of
territorial sovereignty which is recognized as a principle of inter-
national law.

The creation of American sovereignty was done on a theoretical plane
and the confederation the colonists formed was not a sovereign gov't
and the issue of sovereignty and concept was not resolved by the
declaration of independence and continues to be a theoretical question.
In the contest between the states and congress, the ideological momentum
of the Revolution lay with the states, but in the contest between the
people and the state governments it decidedly lay with the people.
For the Continental Congress had realized that the Articles of the
Confederacy was not a government and the Articles held no sovereignty.
" Benjamin Rush federal debate 1787 " " The people of America have
mistaken the meaning of sovereignty". Quote, Noah Webster federal
convention debate, " A fundamental maxim of American Politics is that
sovereign power resides in the people. Written constitutions and bills"
of rights can never be effective guarantees of freedom. Liberty is
never secured by such paper declarations, nor lost for want of them.
The truth is that government takes its form and structure from the
genius and habits of the people, and if on paper a form, in spite of
all the formal sanctions of the supreme authority of the state a form
is not accommodated to it will assume a new form. To credit a perfect
wisdom and probity in the framers of the U.S. Constitution is both
arrogant and impudent. The very attempt to make PERPETUAL constitution
is the assumption of a right to control the opinions of FUTURE GENER-
ATIONS and to LEGISLATE for those over whom we have as little authority
as we have over a nation in ASIA.

To remedy the defects of the Articles of the Confederacy the convention
was called to frame the federal constitution. This said to point to
the fact that, Under this Constitution the UNITED STATES became a
government, and as a matter of history it is true that some new states
are formed out of the sovereignty of the old and whereas others are
created out of opposition to the former territorial sovereign. It is
not reasonable to suppose that, a distinction between ORIGINAL and
derivative titles are relevant to the proper interpretation of the
change in territorial sovereignty that takes place when a new state
is created, as in the case with the United States. The confusion is
with the quasi-sovereignty status derived from foreign countries
versus the ORIGINAL SOVEREIGNTY of the LAKOTA, CHEYENNE, ARAPAHOE.

LAKOTA

CONFEDERACY OF THE BLACK HILLS

A Sovereign Nation re-established at Bear Butte July 14, 1991

northern cheyenne
national Provisional Government
member Bands and Tribes

nkpapa
iala
nneconjou
tupo
nenumpa
le
angu
nktion
asapa
tee

3

In historical truth of legal fact the United States never conferred power over the Lakota, Cheyenne, Arapahoe. Today we have 200 years of descisions by the United States Supreme Court and legislation by Congress and the President, lacking Constitutional authority over us. The United States has also abrogated the liberty and the property of the said natives under the color of the Constitution. This abrogation was no part of the original understanding and the Constitution does not confer it. Acts of Congress, and Presidential Approval or recommendations and Supreme Court Rulings do not make them Constitutional.

The United States has exercised powers over the Lakota, Cheyenne, and Arapahoe and thier lands without authority in taxes, civil jurisdiction, criminal jurisdiction, zoning, hunting, fishing, water and mineral rights, religeon and general police powers. Congress mandated these activities without the consen and approval of the original inhabitants. This now exposed illegal activity is a Constitutional assault on the integrity of the indigenous self-determination . This unconstitutional taking of powers not granted to the United States government and the unjust claim for jurisdiction is without constitutional footing. This desire and claim for jurisdiction has created a couse for action for the 1851-1868 signatories as the unconsented taking of jurisdiction falls under the color of the United States Constitution for the test of the Supreme law of the land.

Although the United States has granted soveriegnty to itself it fell short of the Constitutional test to conquer, to defeat in war, to honor in peace, to enter into treaties for cession of lands now occupied by natives of the territories in contention by primarily LAKOTA, CHEYENNE, ARAPAHOE. The desire and original transaction by the United States is infected with FRAUD. But the real party (s) of natives have not with thier agents , obligated the acts for the transfer of any rights to the United States. Therefore we are charging the United States for treaty fraud in the alleged appropriation of this 1851 treaty boundary. The United States cannot grant to themselves soveriegnty to the territory still inhabited and in use by the aboriginal title holders , which they legally do not posses. A treaty in which fraud is involved is not valid. The recognition of Lakota soveriegnty is still intact within both the U.S. Constitution and Lakota people. Any attempt to supplant the legitimate soveriegnty of the Lakota by the absorbtion of territory without the course of negotiations must be considered as an unlawfull premature annexation.

