



Lakotah Unilateral Withdrawal from All Agreements and Treaties with the United States of America

We as the freedom loving Lakotah People are the predecessor sovereign of Dakota Territory as evidenced by the Treaties with the United States Government, including, but not limited to, the Treaty of 1851 and the Treaty of 1868 at Fort Laramie.

Lakotah, formally and unilaterally withdraws from all agreements and treaties imposed by the United States Government on the Lakotah People.

Lakotah, and the population therein, have waited for at least 155 years for the United States of America to adhere to the provisions of the above referenced treaties. The continuing violations of these treaties' terms have resulted in the near annihilation of our people physically, spiritually, and culturally.

Lakotah rejects United States Termination By Appropriation policy from 1871 to the present.

In addition, the evidence of gross violations of the above referenced treaties are listed herein.

Lakotah encourages the United States of America, through its Government, to enter into dialogue with Lakotah regarding the boundaries, the land and the resources therein. Please contact the Lakotah Interests Section, Naomi Archer, at (828) 230-1404 or info@Lakotafreedom.com.

Should the United States and its subordinate governments choose not to act in good faith concerning the rebirth of our nation, we hereby advise the United States Government that Lakotah will begin to administer liens against real estate transactions within the five state area of Lakotah.

Lakotah, through its government, appointed the following representatives to withdraw from all the treaties with the United States of America based on the Vienna Convention on the Law of Treaties entered into force in 1980 and the U.N. Declaration on the Rights of Indigenous Peoples 2007:

Teghiya Kte
Heretofore known as Gary Rowland

Canupa Gluha Mani
Heretofore known as Duane Martin Sr.

Oyate Wacinyapin
Heretofore known as Russell Means

Mni yuha Najin Win
Heretofore known as Phyllis Young



Lakotah

Political and Diplomatic Relations with the United States of America

The first official contacts between Lakotah and the government of the United States of America began in earnest after the United States conducted a commercial transaction with France, commonly known as the Louisiana Purchase, in 1803. Prior to that time, Lakotah exercised complete and unfettered freedom and independence in their territory. According to the fantasy of United States' history, the Louisiana Purchase was a purported sale by France to the United States of 530 million acres (2.1 million sq.km.) for \$15 million. Part of this sale included the territory of Lakotah who, of course never had knowledge of, nor gave consent to, the sale of their national territory.

The first treaty between the U.S. and any segment of Lakotah occurred in 1805, , and various other treaties of “peace and friendship,” between Lakotah and the U.S. As citizens of the U.S. began to invade and encroach on the territory of Lakotah in increasing numbers, tensions and violence erupted. To prevent full-scale war, the Fort Laramie Treaty of 1851 was requested by the U.S., to allow a transportation route through Lakotah territory. The treaty did not impair the sovereignty or the independence of Lakotah. In fact, the treaty expressly recognized Lakotah as an independent nation, and the treaty respected “all national business” of Lakotah.

After repeated violations by the United States of the 1851 Treaty, warfare broke out between Lakotah and the U.S. Lakotah defeated the U.S. in the so-called “Red Cloud War,” leading to the U.S. to call for another treaty conference at Fort Laramie. The second treaty agreed for the U.S. to abandon the Bozeman Road, and the accompanying military forts that had been built along it, and promised to keep U.S. troops and settlers out of Lakotah territory.

Almost immediately, the U.S. began violating terms of the treaty, allowing railroad and mining interests to trespass and steal Lakotah resources and territory. In 1874, the infamous U.S. military commander, George Custer, led an invasion of the most sacred part of Lakotah territory, the Paha Sapa (Black Hills), prompting an invasion of gold seekers, and provoking another war between the U.S. and Lakotah. As a result of the war, Lakotah territory was illegally occupied by the U.S., and billions of dollars of natural resources have been stolen from the occupied territories of Lakotah.

The United States has engaged in multiple military, legal and political strategies for more than a century to deny Lakotah our right to freedom and self-determination. In 1876-77, in violations of the treaties that it had signed with Lakotah, the U.S. engaged in a sell-or-starve policy to coerce Lakotah to sell our national homeland. Lakotah refused, and has consistently refused to the present time.

In 1871, the U.S. decided no longer to enter into treaties with indigenous nations, but the U.S. treaty-ending legislation made explicit that the new policy of the United States would in no way impair or limit those treaties already in force between indigenous nations and the U.S. Lakotah have consistently relied on the sanctity of the treaty between the U.S. and Lakotah.

As mentioned above, the United States has consistently violated the treaties between Lakotah and the U.S., resulting in the loss of life, resources, and territory for Lakotah. Although the United States was willing to take the benefit of its bargain (i.e., territory and natural resources) in signing treaties with Lakotah, it was almost immediately unwilling



to respect the mutual bargain to the Lakotah. The U.S. began to use U.S. law and policy to attempt to diminish the political, economic and cultural freedom of Lakotah.

After signing the 1868 Fort Laramie Treaty, the U.S. allowed its military, and its civilian citizens to invade Lakotah territory to steal gold, silver and other natural resources. The U.S. unilaterally violated the 1868 Treaty throughout the 1870s and 1880s by coercing alterations in the Treaty onto Lakotah, without the required 2/3 agreement of Lakotah, as required in the Treaty.

Although the U.S. Supreme Court recognized the ongoing freedom and independence of Lakotah in the landmark case of *Ex Parte Crow Dog* (1883), two years later, the U.S. Congress attempted to steal Lakotah independence through the passage of the Major Crimes Act, that unilaterally extended U.S. criminal jurisdiction into Lakotah territory.

These actions were followed by more arrogant actions of the United States, culminating in the shocking Supreme Court Case of *Lone Wolf v. Hitchcock* (1903). Although *Lone Wolf* involved the Kiowa and Comanche Nations in what is now the State of Oklahoma, its impact adversely affected Lakotah. In *Lone Wolf*, the United States not only said that it could violate, change or abrogate treaties with Indian nations unilaterally, but it also said that the U.S. Congress possesses plenary (absolute) power to legislate in any way in indigenous affairs without the consent or consideration of indigenous nations.

By extension, *Lone Wolf* has been used to violate hundreds of treaties between the U.S. and indigenous peoples, including Lakotah. Through the operation of *Lone Wolf*, the U.S. stole the sacred Black Hills, allowed the mining of billions of dollars of gold from them, admitted that the Black Hills were taken in violation of the 1868 Fort Laramie Treaty, and then offered to compensate Lakotah at 1874 land values. Lakotah have, to this day, rejected the offer of payment, and continue to insist on the return of the Paha Sapa (Black Hills).

An overview of violations follows:

- Homestead Acts
- Allotment Acts
- Citizenship Act forcing United States citizenship upon all American Indians
- Indian Reorganization Act a.k.a. Howard Wheeler Act (the first Apartheid Act)
- Forced relocation during the decades of the 1950's over the 1960's.
- Supreme Court decision disallowing our religions.
- Even though we are citizens of the United States of America, we are denied protections of the United States Constitution while living on Indian reservations, etcetera, etcetera, etcetera.

The operation of the United States in the nefarious ways outlined above are a violation, not only of the sovereignty and independence of Lakotah, not only of the solemn treaty signed between the U.S. and Lakotah, but it is a violation of the fundamental law of the United States itself. Article Six of the United States Constitution explicitly states that treaties signed by the United States are the supreme law of the land, and must be respected by every court and by every lawmaker, as such.



Referenced Documents

1. Treaties of Fort Laramie, 1851 and 1868

Full text of these treaties can be found at <http://www.lakotafreedom.com/portfolio.html>

2. Article VI of United States Constitution

Article. VI. - Debts, Supremacy, Oaths

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

3. Vienna Convention on Treaties 1969; specifically Article 49, Article 60 Parts I and II

Article 49- Fraud

If a State has been induced to conclude a treaty by the fraudulent conduct govern questions not regulated by the provisions of the present Convention,

Have agreed as follows:

PART I

INTRODUCTION

Article 1

Scope of the present Convention

The present Convention applies to treaties between States.

Article 2

Use of terms

1. For the purposes of the present Convention:

(a) 'treaty' means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;

(b) 'ratification', 'acceptance', 'approval' and 'accession' mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty;

(c) 'full powers' means a document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty;

(d) 'reservation' means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application



to that State;

(e) 'negotiating State' means a State which took part in the drawing up and adoption of the text of the treaty;

(f) 'contracting State' means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force;

(g) 'party' means a State which has consented to be bound by the treaty and for which the treaty is in force;

(h) 'third State' means a State not a party to the treaty;

(i) 'international organization' means an intergovernmental organization.

Article 60

Termination or suspension of the operation of a treaty
as a consequence of its breach

1. A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part.

2. A material breach of a multilateral treaty by one of the parties entitles:

(a) the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part or to terminate it either:

(i) in the relations between themselves and the defaulting State, or

(ii) as between all the parties;

(b) a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State;

(c) any party other than the defaulting State to invoke the breach as a ground for suspending the operation of the treaty in whole or in part with respect to itself if the treaty is of such a character that a material breach of its provisions by one party radically changes the position of every party with respect to the further performance of its obligations under the treaty.

3. A material breach of a treaty, for the purposes of this article, consists in:

(a) a repudiation of the treaty not sanctioned by the present Convention;

or

(b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty.

4. The foregoing paragraphs are without prejudice to any provision in the treaty applicable in the event of a breach.



5. Paragraphs 1 to 3 do not apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties.

4. United Nations Declaration of Indigenous Rights 2007; specifically Article 37

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honor and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

5. Lone Wolf v. Hitchcock (1903)

Full text of the decision can be found at:

http://www.utulsa.edu/law/classes/rice/ussct_cases/Lone_Wolf_v_Hitchcock_187_553.htm

Note: Lakotah precludes all litigation and political intrusions not relevant to Lakotah.