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6 UNITED STATED DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
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8 OGLALA LAKOTA DELEGATION OF THE BLACK ) Case No.: \_\_\_\_\_  
9 HILLS SIOUX NATION TREATY COUNCIL et, )  
a1; DELIGATE FLOYD HAND, IVAN H. )  
LEWIS. ) JUDICIAL REVIEW OF CONSTITUTIONAL LAW  
Plaintiff, ) UPHOLD THE LAW OF THE UNITED STATES  
10 vs. ) OF AMERICA AND THE TREATY OF 1868  
11 ) WITH THE LAKOTA NATION. THE UNITED  
THE UNITED STATES OF AMERICA, ATTORNEY ) NATIONS WORKING GROUP ON INDIGENOUS  
12 GENERAL ERIC HOLDER, THE STATE OF ) POPULATIONS. DRAFT UNITED NATIONS  
ARIZONA, GOVENOR JAN BREWER, ATTORNEY ) DECLARATION ON THE RIGHTS OF  
13 GENERAL TERRY GODDARD, JAMES ARTHUR ) INDIGENOUS PEOPLES  
RAY, ANGEL VALLEY RETREAT CENTER )  
Defendant )  
14 )  
15 )

16 In accordance with the policies and procedure of the District Court of  
17 Arizona the Plaintiffs in this action hereby request the Court to review the  
18 Law of the Constitution and to uphold the Law of the United States of America  
19 and the Treaty of 1868 with the Lakota Nation.

20 PLEADING

21 "ARTICLE 1. *From this day forward all war between the parties to this*  
22 *agreement shall forever cease. The government of the United States desires*  
23 *peace, and its honor is hereby pledged to keep it. The Indians desire peace,*  
24 *and they now pledge their honor to maintain it. If bad men among the whites,*  
25 *or among other people subject to the authority of the United States, shall*  
*commit any wrong upon the person or property of the Indians, the United*

1 *States will, upon proof made to the agent and forwarded to the Commissioner*  
2 *of Indian Affairs at Washington City, proceed at once to cause the offender*  
3 *to be arrested and punished according to the laws of the United States, and*  
4 *also re-imburse the injured person for the loss sustained".*

5  
6 *THE UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS. DRAFTED UNITED*  
7 *NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES*

8 U.N. Doc. E/CN.4/1995/2; E/CN.4/Sub.2/1994/56.

9 28 October 1994.

10 COMMISSION ON HUMAN RIGHTS

11 PART VI

12 ARTICLE 29

13 Indigenous peoples are entitled to the recognition of the full owner-  
14 ship, control and protection of their cultural and intellectual property.

15 They have the right to special measures to control, develop and protect their  
16 sciences, technologies and cultural manifestations, including human and other  
17 genetic resources, seeds, medicines, knowledge of the properties of fauna and  
18 flora, *oral traditions*, literatures, designs and visual and performing arts.

19 PART VII

20 ARTICLE 36

21 Indigenous peoples have the right to the recognition, observance and  
22 enforcement of treaties, agreements and other constructive arrangements  
23 concluded with States or their successors, according to their original spirit  
24 and intent, and to have States honor and respect *treaties*, agreements and  
25 other constructive arrangements. Conflicts and disputes which cannot

1 otherwise be settled should be submitted to competent international bodies  
2 agreed to by all parties concerned.

3  
4 Article 6 of the United States Constitution;

5 (2) *This Constitution, and the Laws of the United States which shall be*  
6 *made in pursuance thereof; and all Treaties made, or which shall be made,*  
7 *under of the Authority of the United States, shall be the supreme law of the*  
8 *Land; and the Judges in every state shall be bound there by, any thing in the*  
9 *Constitution or Laws of any State to the contrary notwithstanding.*

10 That in the 8<sup>th</sup> District Court of Appeals the court has determined that the  
11 Fort Laramie Treaty of 1868 is Federal law. See *Lavetta Elk v. The United*  
12 *States, 70 Fed.Cl.405*

13  
14 According to the Ratified and Mandated Law of the United States of America  
15 25 CFR Ch. 1 Ss 111.2 (25 Stat 392)

16 It is not enough that the individual be regarded as an Indian by his or her  
17 community; the person must be considered a member of a *Federally recognized*  
18 *Tribe*. *LaPier v. McCormick, 986 F.2d 303, 305 (9<sup>th</sup> Cir 1993); State v.*  
19 *Sebastian, 243 Conn. 115, 701 A.2d 13 (1997), cert. denied 118 S.Ct. 856*  
20 *(1998)*. In that context there can be no Indian with out a Tribe. American  
21 Indian Law 3<sup>rd</sup> Ed. Canby.

22  
23 The Plaintiffs in this action hereby state that under the customs, traditions  
24 and culture values of the Lakota people and leaders of their nations state  
25 that this is a way of life for the Lakota, *and not a Religion!*

1 Oinikaga- to make life; purification ceremony Lodge of the Grandfathers. Is  
2 one of the seven sacred rites brought to the Lakota by the white Buffalo Calf  
3 woman according to ancient oral history. Attachment "A"

4  
5 The Lakota follow traditional laws, in accordance to ancient oral history.

6 In adherence to these laws oral teachings and ancient ceremonies are not  
7 abused or misused.

8 And that they do abide by the Treaty of 1868 as the Supreme law of the land  
9 and retain their rights as a sovereign Nation parallel with the United States  
10 of America, and that the Treaty is a document of laws between the Nation to  
11 Nation relationship, and so by this the Plaintiffs do hereby state that under  
12 the Constitution of the United States of America, Article 6

13 (1) All debts contracted and Engagements entered into, before the Adoption  
14 of this Constitution shall be valid against the United States under this  
15 Constitution, as under the Confederation.

16 (2) This Constitution, and the Laws of the United States which shall be made  
17 in Pursuance thereof; and All Treaties Made, or which shall be made, under  
18 the Authority of the United States, shall be the supreme Law of the Land; and  
19 the Judges in every State shall be bound thereby, any Thing in the  
20 Constitution or Laws of any State to the Contrary notwithstanding.

21 **COMPLAINT**

22 That James Arthur Ray and the Angel Valley Retreat Center and all documented  
23 owners have violated these laws;

- 24 1. Article 1 of the Fort Laramie Treaty of 1868 by violating the peace  
25 between the United States of America and the Lakota Nation.

1 2. The desecration of our Sacred Onikig'a by causing the death of Liz  
2 Neuman, Kirby Brown, and James Shore. (all non-Indians)

3 3. THE UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS. DRAFTED  
4 UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES U.N.  
5 Doc. E/CN.4/1995/2; E/CN.4/Sub.2/1994/56.28 October 1994.COMMISSION  
6 ON HUMAN RIGHTS PART VI ARTICLE 29, PART VII ARTICLE 36

7 *It is not enough that the individual be regarded as an Indian by his or*  
8 *her community; the person must be considered a member of a Federally*  
9 *recognized Tribe. LaPier v. McCormick, 986 F.2d 303, 305 (9th Cir 1993);*  
10 *State v. Sebastian, 243 Conn. 115, 701 A.2d 13 (1997), cert. denied 118 S.Ct.*  
11 *856 (1998). In that context there can be no Indian with out a Tribe. American*  
12 *Indian Law 3rd Ed. Canby. Therefore James Arthur Ray and the Angel Valley*  
13 *Retreat Center and all documented owners, committed fraud by impersonating an*  
14 *Indian, and be held accountable for causing the death of the fore mentioned*  
15 *victims and injuries of the survivors.*

16 4. Further more the parties who gave the orders to dismantle the lodge  
17 have also caused the destruction of crucial evidence in this crime  
18 scene. Be charged with the destruction of evidence.

19  
20 WHEREFORE; the Plaintiffs hereby state that the Treaty of 1868 with the  
21 United States of America, is binding and true, and that the Judges of Arizona  
22 remand this case to the Federal District Prosecutor, And demand prosecution.  
23 Plaintiffs of this action is not after Monetary gain, but to have the Laws  
24 according to the Fort Laramie Treaty of 1868 Article 1 be acknowledged and  
25 honored, the fact of the Incident in Sedona, Arizona and James Arthur Ray and  
the Angel Valley Retreat Center, and that they be held accountable and

1 prosecuted by the Laws of the United States of America so that the Lakota  
2 Nation may live in peace and maintain the Treaty of 1868 in its entirety.

3  
4  
5 RESPECTFULLY SUBMITTED, 2<sup>nd</sup> day of NOVEMBER, 2009.

6  
7 Floyd L Hand  
8 Floyd Hand Plaintiff TREATY DELIGATE pro se

9 Ivan H Lewis  
Ivan Lewis Maintiff pro se

10 SUSCRIBED AND SWORN to before the undersigned this 2<sup>nd</sup> day of  
11 November, 2009 by Floyd L. Hand

12 Kathy Richardson  
13 NOTARY PUBLIC

14 MY COMMISSION EXPIRES: 12/1/2010



15  
16  
17 SUBSCRIBED AND SWORN to before the undersigned this 2<sup>nd</sup> day of  
18 November, 2009 by Ivan H Lewis

19 Kathy Richardson  
20 NOTARY PUBLIC

21 MY COMMISSION EXPIRES: 12/1/2010

