

NATIVE



JUSTICE

***45 YEARS OF FIGHTING FOR THE RIGHTS OF INDIGENOUS PEOPLES
WORLDWIDE***

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**Admitted: Inter-American
Commission on Human Rights;
United States Supreme Court;
US Circuit Courts (7, 8, 10);
Supreme Courts of Colorado,
Nebraska, and South Dakota;
Yankton Sioux Tribal Court**

March 3, 2026

**via electronic mail:
tinyurl.com/octoberjinx**

U.S. Forest Service
Black Hills National Forest
Hell Canyon Ranger District
Attn: October Jinx Project #67625
Attn: Jonathan Manning, Project Contact
1019 N. 5th Street
Custer, SD 57730

**re: COMMENTS on the Proposed “October Jinx” Uranium Exploration Project
USDA Forest Service Project ID No. 67625**

***OPPOSITION TO THE ISSUANCE BY THE UNITED STATES,
OR ANY AGENCY THEREOF, OF ANY PERMISSION
FOR THE OCTOBER JINX / CHORD URANIUM PROJECT
AS IN VIOLATION OF THE INHERENT SOVEREIGNTY
AND TERRITORIAL INTEGRITY OF
THE OČHÉTHI ŠAKÓWIDŌYÁTE CONFEDERATION***

These comments by the Council of Forty-Four Chiefs, the Arrow Keeper and the
Bowstring Society of the Southern Cheyenne, the Sicangu Lakota Oyate Treaty Council, the

Inyan Woslata Treaty Council, Everett Iron Eyes, and Leola One Feather, individually (collectively referred to herein as the objecting “Parties”) by their counsel are submitted in response to the request of “Clean” Nuclear Energy Corporation (CNEC), a subsidiary of Nexus Uranium Corporation (NUC - a Canadian corporation) to conduct uranium exploration or development drilling in or near the sacred Craven Canyon of Ĥe Sápa (also referred to as “the Black Hills”), USDA Forest Service (USFS) Project ID No. 67625.

The Council of Forty-Four Chiefs (the Véhoo'o), the Arrow Keeper (Maahótse), and the Bowstring Society (Héma'tanónęheo'o) are the traditional leaders and elders of the Heévâhetaneo'o (southern branch) of the Tsétsêhéstâhese (TsiTsistas or Cheyenne) who share Mo'ôhta-vo'honáaeva (Black Hills in TsiTsistas) and the surrounding area with the Lakhóta (Lakota) and Sičhángu (Sicangu) Ošpáye (bands) of the Thíthunwan Oyáte, (also referred to as “the Lakota Nation”) and other members of the Očhéthi Šakówin Oyáte confederacy. There are many areas of Mo'ôhta-vo'honáaeva having great spiritual, cultural, and historic significance to the TsiTsistas), including Craven Canyon and the mountain, Noahâ-vose (referred to as “Bear Butte”), where the Cheyenne own property and which is deeply sacred to the TsiTsistas as a prayer and vision quest site. The TsiTsistas ranged from what is now western South Dakota down into what is now Colorado where they victims of genocide, the Sand Creek Massacre, and the Heévâhetaneo'o (the southern band of the TsiTsistas also referred to as the “Southern Cheyenne or the Cheyenne-Arapaho Tribe) were removed by the United States to their present location in Oklahoma. While forcibly separated from their sacred Mo'ôhta-vo'honáaeva, the TsiTsistas have maintained their connections and make frequent visits and pilgrimages there.

The Sicangu Lakota Treaty Council is the traditional leadership of the Sičhángu Ošpáye (Sicangu) of the Thíthunwan Oyáte, (also referred to as “the Lakota Nation”) one of the seven member nations of the Očhéthi Šakówin Oyáte confederacy (also referred to as “the Seven Council Fires” or “the Great Sioux Nation”), and an arm of the Rosebud Sioux Tribe having responsibilities pertaining to the treaty rights and culture of the Tribe. The Treaty Council includes traditional leaders and descendants of treaty signers and others of the Očhéthi Šakówin Oyáte committed to the survival of their peoples, to ending the colonial rule and domination by the United States over Očhéthi Šakówin Oyáte and the confederated member Oyátes, to protecting their way of life and language, spirituality, and culture, to the protection of the Očhéthi Šakówin Oyáte sovereignty and territory, and to the restoration of the Očhéthi Šakówin

Oyáte as the legitimate governing body of their people. As a “treaty council,” it is also focused on enforcing the sovereign rights secured to Očhéthi Šakówiŋ Oyáte and the other member nations of the Oyáte by treaties between them and the United States, including the 1851 Treaty at Fort Laramie and the 1868 Treaty at Fort Laramie.

The Inyan Woslata Treaty Council are ožúla (full-blood) patrilineal descendants of the hereditary wičháša itháŋčhaŋ (Chiefs and Headmen) of the Húŋkpap̃ha and Sihasapa Ošpáye (Bands) of the Thítuŋwaŋ (Teton or Lakǵóta) Oyáte and the Iháŋkthuŋwaŋna (Yaktonnai) Oyáte of the Očhéthi Šakówiŋ Oyáte (Oceti-Sakowin Oyate) (“the Oyáte”) Húŋkpap̃ha Lakǵóta on Inyan Najin (now referred to as the Standing Rock Sioux Reservation). Council member Everett Iron Eyes is a direct descendant of Phizí (Chief Gall), a prominent wičháša itháŋčhaŋ and akíčhita (warrior) of the Húŋkpap̃ha Lakǵóta, and a member of the Standing Rock Sioux Tribe. The Treaty Council includes traditional leaders and descendants of treaty signers and others of the Očhéthi Šakówiŋ Oyáte committed to the survival of their peoples, to ending the colonial rule and domination by the United States over Očhéthi Šakówiŋ Oyáte and the confederated member Oyátes, to protecting their way of life and language, spirituality, and culture, to the protection of the Očhéthi Šakówiŋ Oyáte sovereignty and territory, and to the restoration of the Očhéthi Šakówiŋ Oyáte as the legitimate governing body of their people. As a “treaty council,” it is also focused on enforcing the sovereign rights secured to Očhéthi Šakówiŋ Oyáte and the other member nations of the Seven Council Fires confederation, by treaties between them and the United States, including the 1851 Treaty at Fort Laramie and the 1868 Treaty at Fort Laramie.

Uŋčí (Grandmother) Leola One Feather is the daughter of a Lakǵóta father and Tsétsêhéstâhese (TsiTsistas or Cheyenne) mother and an elder and historian of the Lakǵóta and TsiTsistas peoples. She resides on what is referred to as the Oglala Lakota Reservation at Wounded Knee, the location of the infamous Wounded Knee Massacre. She was raised by her mother, grandmother, and great grandmother with Traditional Knowledge, Traditional Ways, and history of both the Lakǵóta and the TsiTsistas. As a child, they frequently took One Feather to the southern area of Ĥe’Sápa / Mo’ôhta-vo’honáaeva to visit the graves there of her relatives and sacred sites, including what is referred to as Craven, Red, and Hell Canyons, where they would perform traditional ceremonies and share the Native history of the area. For many years, she has been involved in sharing her extensive knowledge of the sacred sites, spirituality, and history of the area and the entire Ĥe Sápa. She has visited and made pilgrimages to Craven Canyon and the

surrounding area many times, including over the past few years, to engage in traditional ceremonies and prayer and preserve the connections of both the Lakǵóta and TsiTsistas peoples to that area.

The Parties hereby formally join in the submissions made by NDN, the Water Protectors Legal Collective, and the Black Hills Water Alliance. The Parties object to and challenge the authority and jurisdiction of the United States, its USDA, USFS, and all other of its agencies, to grant permission or authorize or otherwise in any manner approve exploration drilling or any other activities by CNEC / NUC, or any entity or person, within Ĥe Sápa, the territory of the Oǵhéthi Šakówiŋ Oyáte, without the express free, prior, and informed consent of the Oyáte and its Council Fires (member Nations (Oyáte)) and their Ošpáye (bands) and full compliance with the laws of the Oyáte and its member nations and Ošpáye. The National Environmental Policy Act and its regulations require environmental assessments conducted thereunder to consider, discuss, and demonstrate compliance with all law.

The Oǵhéthi Šakówiŋ Oyáte

The United States is assuming that it possesses the authority and jurisdiction to issue permission or authority to CNEC / NUC for its activities in or near the sacred Craven Canyon of Ĥe Sápa. That assumption is premised upon other assumptions that the territory upon which the Pipeline was constructed is as a matter of law within the territory of the United States, and that the United States as colonial power and ruler possesses as a matter of law absolute “plenary” power over the territory, lands, and affairs of Native nations and peoples, including the Oǵhéthi Šakówiŋ Oyáte and the TsiTsistas. All of these assumptions are not only without any lawful basis but violate the sovereignty and territory integrity of another nation and violate fundamental and binding principles of international law and the Law of Nations and perpetuate an unlawful colonial occupation and rule over the territory, lands, and people of the Oǵhéthi Šakówiŋ Oyáte and the TsiTsistas.

Mílahajnska (the United States of America) is an empire, a successor imperial and colonial state, successor to the unlawful colonial invasions, occupations, and rule of England, France, Spain, and Russia over hundreds of sovereign First Nations of Khéya Wíta and an unlawful colonizer, occupier, and ruler itself of those and other First Nations and peoples including the Oǵhéthi Šakówiŋ Oyáte and the TsiTsistas.

The Oyáte of the Očhéthi Šakówiŋ are the Peoples of the Seven Council Fires. Očhéthi Šakówiŋ (the Seven Council Fires) of the Oyáte are the Bdewákaŋthuŋwaŋ (Mdewakanton), the Waŋpéthuŋwaŋ (Wahpeton), the Waŋpékhute (Wahpekute), the Sisíthuŋwaŋ (Sisseton), the Iháŋkthuŋwaŋ (Yankton), the Iháŋkthuŋwaŋna (Yanktonai), and the Thítuŋwaŋ (Teton or Lakǵóta). The Očhéthi Šakówiŋ Oyáte is a sovereign nation and peoples, a Nation, that existed as a fully separate sovereign and independent, and equal, nation occupying Makǵóche Wašté (“the Great Plains”) and the Mníšoše (Missouri River) basin before the arrival of the nations and people from Europe at Khéya Wíta (“North America”) beginning in the wašiču (European) year of 1492.

The TsiTsistas, including the Heévâhetaneo'o (Southern Cheyenne – also referred to as the Cheyenne-Arapaho Tribe) is a sovereign nation and peoples, a Nation that existed as a fully separate sovereign and independent, and equal, nation occupying the Mo'ôhta-vo'honáaeve and Meneo'hé'e (North Platte River) and surrounding areas before the arrival of the nations and people from Europe.

The Očhéthi Šakówiŋ Oyáte and the TsiTsistas at all times have been separate peoples possessed of inherent sovereignty and a common ancestry and of their own spirituality, language and dialects, ways, culture and traditions, knowledge, science and technology, economy, history, territory, lands, natural resources, waters, laws and norms, governance, leaders, warriors, and of the capacity to enter into relations with other nations. *See*, Vienna Convention on the Law of Treaties (“VCLT”), art. 6 (May 23, 1969), 1155 U.N.T.S. 331; Montevideo Convention on the Rights and Duties of States (December 26, 1933), art. 1 (signed by the United States on December 26, 1933, and ratified by the US Congress on July 13, 1934, as part of the Supreme Law of the United States under article VI, clause 2 of its Constitution (1788)) (regarding the definition of a nation state). According to the declarative theory of statehood under Western international law, recognition by other sovereign states is not a requirement for the existence of a sovereign state. Lauterpacht, Hersch, Recognition in International Law (2012), at 64.

The Očhéthi Šakówiŋ Oyáte and the TsiTsistas existed as fully separate sovereign and independent, and equal, nations before the declaration of 1776 that founded the colonial power, the United States of America. *See*, *Michigan v. Bay Mills Indian Community*, 134 S.Ct. 2024, 2030 (2014). The Očhéthi Šakówiŋ Oyáte and TsiTsistas also existed as fully separate sovereign and independent, and equal, nations before and after the Louisiana Purchase of 1803 by which

the United States purchased from France its interest in territory encompassing the territory and lands of the Oyáte and TsiTsistas. France did not own, had not settled, and did not possess the territory or lands of the Oyáte and therefore, even under the laws of these Native nations it could not and did not sell to the United States something it did not own. VCLT, art. 34; *Island of Palmas (Miangas) Case / Netherlands v. United States*, 2 U.N. Rep. Int'l Arbitral Awards 829 (Hague Permanent Court of Arbitration, 1928). The failure of the Louisiana Purchase to transfer to the United States the territory and lands of the Oyáte or of the TsiTsistas was subsequently acknowledged formally by the United States by its acts of entering into the Fort Laramie Treaties of 1851 and 1868 with the Oyáte and the 1825 Friendship Treaty and the 1851 Fort Laramie Treaty with the TsiTsistas as the sovereign authorities over their territory and lands.

The Unlawful Imposition of Colonial Law, Occupation and Rule by the United States

The Ochéthi Šakówiŋ Oyáte and the TsiTsistas existed as fully separate sovereign and independent, and equal, nations before and after the creation of “federal Indian law” by the United States which imposed racist and illegal foundational doctrines of imperial and colonial domination known as “discovery,” “trust authority,” and “plenary power”, and unlawful apartheid, over Native peoples as incompetent savage wards of the United States and as “domestic, dependent, nations” possessed of only an extinguishable-at-will “right of occupation” of their ancestral territories and lands. The doctrines of federal Indian law relied upon here by the United States and its states in assuming authority and jurisdiction to act on the CNEC / NUC project applications are legal fictions carved out of thin air by the United States Supreme Court, the high court of the imperial colonial power, beginning with the Marshall trilogy, *Johnson v. M’Intosh*, 21 U.S. 543, 568, notes h and I, 571, note k (1823); *Cherokee Nation v. Georgia*, 30 U.S. 1, 53 (1831); and *Worcester v. Georgia*, 31 U.S. 515, 520, 561 (1832).

These colonial law doctrines are legal and factual fictions created to provide a legal façade for the unlawful invasion, taking, and ethnic cleansing of the territories and lands and resources of sovereign First Nations and their peoples by the United States and its settler colonialists, and as a legal façade for the imperial and colonial rule and forced assimilation by the United States of the surviving First Nations and their peoples, all in gross violation of international law. See, Emer de Vattel, The Law of Nations (1758) (“Vattel”), Book II, Chapter IV (sovereignty and independence of nations), chap. VII, sec. 93 (violation of territory); and Book III, Chapter IX (war, things belonging to the enemy), chap. XI (unjust war), chap. XIII

(acquisitions by war and conquest); and Charter of the United Nations, art. 73 (October 24, 1945, 1 UNTS XVI) (“UN Charter”); UN General Assembly Resolution 1514 (Declaration on the granting of independence to colonial countries and peoples) (December 14, 1960) (condemning and calling for an immediate end to colonialism in all its forms and manifestations) (“UN Res. 1514”); International Convention on the Elimination of All Forms of Racial Discrimination, United Nations, Treaty Series, vol. 660, p. 195 (December 21, 1965) (“ICERD”) (incorporating UN Res. 1514 and recognizing colonialism as a form or manifestation of racism) (signed by the US President in 1966 and ratified by the US Congress in 1994, thereby becoming the “Supreme law” of the United States).

Neither the Očhéthi Šakówiŋ Oyáte nor the TsiTsistas was a party to any of the Marshall trilogy matters and, under the US’s own law, the US courts therefore had no jurisdiction over the Očhéthi Šakówiŋ Oyáte or the TsiTsistas nor over their territory or sovereignty. Neither those decisions and the legal fictions, the three fundamental doctrines of federal Indian law, created in those decisions, nor any decisions of any lower court subsequently imposing the Marshall decisions and colonial doctrines and providing the basis for the acts of the United States and the states here, were and are not binding upon the Oyáte or the TsiTsistas.

Following the discovery of gold in the sacred Ĥe Sápa in 1874 by a large US military expedition led by General George Custer which entered Očhéthi Šakówiŋ Oyáte and TsiTsistas territory under false pretext, the US government abandoned its treaty obligation to preserve the integrity of Oyáte and TsiTsistas territory from trespassing prospectors and settlers. *United States v. Sioux Nation of Indians*, 448 U.S. 371, 376-79 (1980); also, *The Case of the S.S. Lotus, France v. Turkey* (1927) (the *Lotus* case), P.C.I.J., Ser. A, No. 10 (holding by the Permanent Court of International Justice that “the first and foremost restriction imposed in international law upon a State is that – failing the existence of a permissive rule to the contrary – it may not exercise its power in any form in the territory of another State.”). In 1864, the United States committed genocide in its massacre of the TsiTsistas gathered on their Treaty affirmed territory at Sand Creek before removing them from their ancestral lands, including Mo’ohta-vo’honáaeva. In 1876, the US government declared that people from the Očhéthi Šakówiŋ Oyáte found lawfully within the “unceded” Oyáte territory to be “hostiles” and engaged in a war campaign against them as well. *Id.*, 448 U.S. at 379. The next year after unsuccessful attempts to negotiate the cession of the Ĥe Sápa by the Očhéthi Šakówiŋ Oyáte and the TsiTsistas, the United States in an

unlawful exercise of colonial authority attempted a wrongful taking through the ratification of a fraudulent treaty obtained by duress and threatened starvation that opened up for wašíču invasion and settlement the Ĥe Sápa and other territory and lands of the Oyáte, including the Ft. Laramie Treaty of 1868 Article XVI Unceded territory and lands. Act of February 28, 1877, 19 Stat. 254; *Sioux Nation*, 448 U.S. at 381-84, 424.

After over a century of challenges by the Očhéthi Šakówiŋ Oyáte to this unlawful attempted abrogation of the Treaty of 1868, the United States Supreme Court in 1980 admitted that the 1876 “treaty” was fraudulent as it lacked the number of signatures required by the Treaty of 1851, but held that the 1877 Congressional ratification of the fraudulent treaty was an “effective” – not express – “abrogation” of the 1868 Ft. Laramie Treaty. *Sioux Nation*, 448 U.S. at 382-83. The Court then ruled that the Act of 1877 was a “taking” by the United States under its colonial “plenary” power over Indian nations and awarded the Očhéthi Šakówiŋ Oyáte purported “just compensation” for the theft of its ancestral, treaty protected, territory, lands and natural resources. *Id.*, 448 U.S. at 410-12, 423-24. Even assuming that Congress had the right to abrogate the treaty, the Act of 1877 would not meet the express or clear intent requirements set forth recently in *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020), for diminishment of a Native nation’s territory. The Congressional Act of 1877 merely attempted to ratify a fraudulent treaty presented to the US Congress by its President. When the treaty was declared fraudulent and invalid, obviously the Act of 1877 was invalid as well. Similarly, the treaty with the TsiTsisas, the 1861 Treaty of Fort Wise (12 Stat. 1163), also lacked the number of signatures required by the Ft. Laramie Treaty of 1851, making it another fraudulent submission to Congress by the President, and the subsequent Congressional ratification therefore null and void.

The United States courts possessed no lawful authority or jurisdiction over the Očhéthi Šakówiŋ Oyáte or its territory nor authority or jurisdiction to interpret the 1868 Ft. Laramie treaty or the 1861 Treaty of Fort Wise in a dispute between nations. The nature and scope of the relationship of the Očhéthi Šakówiŋ Oyáte and the TsiTsisas with the United States was governed by laws, respectively, of each Native nation, not those of the colonial ruler, and the dispute between nations over a treaty was controlled by the Law of Nations and the international law of treaties. Treaties between sovereign nations are not governed by principles of domestic law, let alone that of a colonial power, but by international law grounded on the fundamental principle of *pacta sunt servanda*, that treaties must be obeyed. *See*, VCLT, arts. 26 and 27; UN

Resolution 2625; *M'Culloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819), *see also*, Constitution of the United States, art. VI, clause 2. This principle has been acknowledged by the United State in regards to treaties with indigenous nations, including as a signatory state to the UN DRIP, art. 37, sec. 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 honour and respect such treaties, agreements and other constructive arrangements.”). *See also*, Indian Appropriation Act of March 3, 1871, 16 Stat. 566, Rev. Stat. Section 2079, 26 U.S.C. Section 71; and *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020).

Under international treaty law, treaties like the 1877 Treaty with the Očhéthi Šakówiŋ Oyáte and the 1861 Treaty with the TsiTsistas obtained by fraud, corruption, coercion, by the threat or use of force, or conflicting with a preemptory norm of general international law (“*jus cogens*”) are void or voidable as a principle of international law. VCLT, arts. 49, 50, 51, 52, 53. Even when provisions of a treaty allow a party to unilaterally withdraw from the agreement, the withdrawing state is not released from obligations that occurred, nor excused from violations that existed prior to the date that its withdrawal took effect. *See*, VCLT, art. 70(1), 1155 U.N.T.S. at 349. Unilateral withdrawal as here from treaties that do not contain exit provisions may be a breach of the treaty, particularly where treaty provisions expressly foreclose unilateral withdrawal by the parties – “absolute and undisturbed use and occupation,” “no persons ...shall ever be permitted to pass over, settle upon, or reside in the territory described in this article” (1868 Treaty, art. II) (emphasis supplied). VCLT, art. 56 (an agreement “which contains no provision regarding its termination and which does not provide for denunciation or withdrawal is not subject to denunciation or withdrawal”); *see also*, e.g., U.N. Human Rights Commission, 53rd Sess., General Comments under article 40, paragraph 4, of the International Covenant on Civil and Political Rights (“ICCPR”), General Comment No. 26(61), at 102 ¶s 1-5, U.N. Doc. A/53/40 (1998) (signed by the United States on October 5, 1977, and ratified by its Congress on June 8, 1992, as part of the Supreme Law of the United States). Abrogation of the 1868 Treaty and the 1861 Treaty whether express or implied would merely place the parties, the Očhéthi Šakówiŋ Oyáte, TsiTsistas, and the United States, in the position they were in under the Fort Laramie Treaty of 1851, prior to the abrogation. The Treaty abrogation would withdraw any provision abrogating and annulling all prior treaties and agreements. For these reasons, the abrogation of the 1868 Treaty and the 1861 Treaty by the United States would not result in any

taking of any territory or lands of the Očhéthi Šakówiŋ Oyáte or the TsiTsistas retained and secured by the Fort Laramie Treaty of 1851 or held inherently prior to the treaties and colonial invasion.

Under the law of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas, under international law, and under the express requirement set forth in Article XII of the Ft. Laramie Treaty of 1868, transfers of territory or lands by one nation to another nation may be accomplished as a matter of law only by **treaty** between both sovereign nations. VCLT, art. 2(1)(a); Jean S. Pictet, *Commentary – The Geneva Convention of 12 August 1949* 275 (1958).

In 1887, the Congress of the United States, exercising unlawfully imposed plenary power over First Nations and their peoples, passed the General Allotment Act, also called the Dawes Act, to break up communal First Nation lands into individual family holdings and separating of the remaining lands as “surplus lands” for alienation from Native title in further violation of the Ft. Laramie Treaty of 1868. 25 U.S.C. ch. 9, § 331 et. seq.; also, *McGirt v. Oklahoma* (2020). Two years later, in 1889, Congress passed another act under its unlawful assumed plenary power (just months before North and South Dakota were admitted to the Union) which partitioned Očhéthi Šakówiŋ Oyáte (the Great Sioux Reservation), creating five smaller reservations and provided for the allotment of the communally-held Očhéthi Šakówiŋ Oyáte lands again in violation of the Ft. Laramie Treaty of 1868. Act of March 2, 1889, 25 Stat., 888; *McGirt v. Oklahoma* (2020). The United States and its Congress lacked and lacks lawful authority to “create” such “reservations” because it cannot “reserve” to any First Nation land that it does not lawfully own, physically occupy, or possess. *Island of Palmas (Miangas) Case / Netherlands v. United States*, 2 U.N. Rep. Int’l Arbitral Awards 829. Treaties of cession made with First Nations are not reservations of ancestral lands and territory by the United States *for* First Nations, but are reservations by First Nations of ancestral lands and territory *from* transfer to the United States. See, *United States v. Winans*, 198 U.S. 371, 381 (1905). By the Acts of April 23, 1904, 33 Stat. 254, of March 2, 1907, 34 Stat. 1230, and of May 30, 1910, c. 260, 36 Stat. 48, the Congress of the United States in violation of the law of the Očhéthi Šakówiŋ Oyáte and the law of nations and international law, as well as Section XII of the Ft. Laramie Treaty of 1868, and through the unilateral exercise of unlawfully assumed and imposed plenary power, further diminished the territory and lands of the Očhéthi Šakówiŋ Oyáte and its member Oyáte.

Following the Sand Creek Massacre in 1864, the United States forced the TsiTsistas to sign under duress a treaty, the 1865 Treaty of Little Arkansas (14 Stat. 703), whereby the United States agreed to pay reparations for the Massacre and the TsiTsistas agreed to move south to a new territory. The United States further breached the Treaty by never paying the required reparations. Two years later the TsiTsistas, again under duress, entered into the 1867 Treaty of Medicine Lodge (15 Stat. 593), reaffirming their new territory and, significantly, providing that “no treaty of cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same....” On March 3, 1871, the US Congress passed a law, then signed by President Grant, ending treaty-making with First Nations. 25 U.S.C. Section 71. “No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty”¹ Congress unilaterally ended treaty-making with Native nations thereby rendering all *non-treaty* subsequent takings or cessions of land or territory from the Očhéthi Šakówiŋ Oyáte or TsiTsistas or any other Native nation by an Act of Congress unlawful under the Law of Nations and international treaty law, and therefore invalid.

Unwilling to engage in further treaty-making with the TsiTsistas, by Act of March 3, 1891, 26 Stat. 989, 1022, the US Congress approved a purported 1890 agreement negotiated by certain US Commissioners whereby Tsitsistas and the Hinono’ei ceded all their lands in the Indian Territory in exchange for the setting aside of allotments for each tribal member and payment of \$1,500,000. The cession of TsiTsistas lands in this manner was in violation of the prior Treaties, the Law of Nations, modern international law, and the law of the TsiTsistas, and therefore void *ab initio*. The cession of land, even all lands, of a Native nation, however, does not extinguish the nation nor its territory or jurisdiction. *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020); *Cheyenne-Arapaho Tribes v. Oklahoma*, 618 F.2d 665 (10th Cir. 1980).

All of the aforesaid non-treaty Acts of Congress and the United States taking or receiving any territory or lands of the Očhéthi Šakówiŋ Oyáte or TsiTsistas reserved from cession by the

¹ The Act also recognized all Treaties with Native nations as valid and binding providing that: “but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.” The Act was likely then and is now unconstitutional as well as it deprived the President of his treaty-making role under Article II, Section 2, par. 2 of the United States Constitution.

1851 and 1868 Ft. Laramie Treaties, including but not limited to all of the allotment acts, were unlawful and invalid at the time of the purported taking. Additionally, the non-treaty taking of any lands within the territory of the Očhéthi Šakówiŋ Oyáte or the TsiTsistas did not diminish the territory or the territorial boundaries of the respective Native nation or its authority over its territory. This territory remains territory of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas, not of the United States. The United States therefore lacks authority and jurisdiction to permit any nonconsensual activities on any part of the Očhéthi Šakówiŋ Oyáte or TsiTsistas territory described in the 1851 and 1868 Fort Laramie Treaties, including that subject to the CNEC / NUC application.

***The Law to Be Applied Is That of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas
and the Law of Nations, Not the Law of the Occupying Colonial Power***

Any and all power of the United States in its relations with other sovereign nations, including that here with the Očhéthi Šakówiŋ Oyáte and the TsiTsistas, is and always has been constrained by international law, the “law of nations,” and any and all exercise of power of the United States government additionally arises from and is subject to its own Constitution. *See*, Constitution of the United States, Article 6, clause 2; VCLT, arts. 26 and 27; UN Resolution 2625 (1970); *M’Culloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819). The US Constitution is controlling only as to the people and territory of the United and not that of other nations or peoples, including the Očhéthi Šakówiŋ Oyáte and the TsiTsistas. *Tee-Hit-Ton Indians v. United States*, 348 U.S. 272 (1955); *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978). Under the *lex loci rei sitae* (law of the place) principle of international law and the law of the United States, the law to be applied to the nature and scope of the rights of a nation to a territory and the lands and natural resources and waters found therein is the law of the sovereign occupying that territory, the Očhéthi Šakówiŋ Oyáte and the TsiTsistas, and not the imperial or colonial power. *See, e.g., United States v. Crosby*, 7 Cranch., 175 (1812) (“[T]itle to land can be acquired and lost only in the manner prescribed by the law of the place where such land is situate.”). Under the law of the Očhéthi Šakówiŋ Oyáte and that of the TsiTsistas, the United States of America had and has no standing nor jurisdiction to assert any claim to or ownership of, or authority over, any of the territory or lands or natural resources or waters found within the boundaries of the territory of the Očhéthi Šakówiŋ Oyáte or the TsiTsistas, respectively. Therefore, the United States may not

lawfully govern another sovereign nation or territory and the United States lacks the jurisdiction over the Očhéthi Šakówiŋ Oyáte, the TsiTsistas, and the territory of each required to issue any permission for the activities of CNEC / NUC or for any entry upon their territory.

Genocide and Ethnic Cleansing Voids Any Authority Claimed by the United States Under Federal Indian Law

The imposition of federal Indian law, and in particular its three fundamental doctrines of domination upon the Očhéthi Šakówiŋ Oyáte, TsiTsistas, and other First Nations is an institutional and systemic implementation of the continuing policy of slow genocide and ethnic cleansing by a settler colonial state, the United States, in violation of fundamental principles of international law. *See*, Convention on the Prevention and Punishment of the Crime of Genocide, UN General Assembly Resolution 260(III) (December 9, 1948) (“Convention on Genocide”); UN Res. 1514; ICERD. Under these principles of international law, freedom from genocide in any form or manifestation, freedom from ethnic cleansing, freedom from ethnocide and cultural genocide, freedom from forced assimilation, freedom from colonialism in any form or manifestation, freedom from racism in any form or manifestation, and the collective right of a peoples to self-determination, are each a *jus cogens* rule, a peremptory norm, that is accepted by the international community of states as a fundament norm to which no derogation is permitted and of which no treaty or law is required to establish it. UN Charter, art. 1, para. 2; ICERD, art. 1, para. 1 (and General Comment No. 12 by the UN Human Rights Committee (“UN HRC”) thereto); Convention on Genocide; UN Res. 1514 (1960); UN Declaration on the Rights of Indigenous Peoples, G.A. Decl. 61/295 (September 13, 2007) (“UN DRIP”) (signed by the United States on December 16, 2010); Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, International Court of Justice (Advisory Opinion, February 25, 2019 (Separate Opinion of Judge Robinson); *Western Sahara*, International Court of Justice (Advisory Opinion, October 15, 1975); *Zhang v. Zemin*, NSWCA 255 (2010). Under the *jus cogens* principle, if a new preemptory norm of general international law (“*jus cogens*”) emerges, any existing treaty which is in conflict with that norm becomes void and terminates. VCLT, art. 64.

The United States may not rely upon federal Indian law and the unlawful colonial and genocidal doctrine of the plenary power of the United States over Native nations and peoples,

including Očhéthi Šakówiŋ Oyáte and TsiTsistas, and therefore lacks authority and jurisdiction to grant any permission to CNAC / NUC for the project at bar.

Institutionalized Racism Voids Any Authority Claimed Under Federal Indian Law

The three foundational domination doctrines of federal Indian law were created by the imperial high court as “*sui generis*” law, meaning the law was specially created to apply only to “Indian” nations. *Johnson v. M’Intosh*, 21 U.S. 543; *Cherokee Nation v. Georgia*, 30 U.S. 1; and *Worcester v. Georgia*, 31 U.S. 515. As a race-based discriminatory law, a judicially created apartheid, these foundational doctrines of federal Indian law were and are gross violations of the international law, specifically the “principle of equal rights and self-determination of peoples” contained in article 1, section 2, of the UN Charter, and in articles 2 and 3 of the UN DRIP, and the International Convention on the Elimination of All Forms of Racial Discrimination (United Nations, Treaty Series, vol. 660, p. 195); and as found by the Decision of the United Nations Committee on the Elimination of Discrimination in *Western Shoshone v. United States*, Early Warning and Urgent Action Procedure, 1(68) (2006).

The claim of the United States and its states to jurisdiction over the territory of the Očhéthi Šakówiŋ Oyáte and of the TsiTsistas, and “plenary” authority over the nation and peoples of each, rests at its core on racism and ethnic discrimination. Under the international law, no state authority or regime may be recognized by the international community when such authority is premised upon racism, ethnic cleansing, force, or treaty violations. *See*, UN Resolutions 216 and 217 (1965) (condemning racist Rhodesia); UN Security Council Resolution 514 (1983) (condemning Turkey’s attempted annexation of part of the Republic of Cyprus in violation of treaties); UN Security Council Resolution 787 (1992) (condemning ethnic cleansing in Bosnia and Herzegovina); UN General Assembly Resolution 68/262 (2014) (affirming the territorial integrity of Ukraine in response to Russia’s purported annexation of part of Ukraine, Crimea, in violation of treaties); *also*, article 11 of the Montevideo Convention (non-recognition of territorial acquisitions obtained by use of force or any effective coercive measure). The United States may not rely upon apartheid, racist and racist or ethnically discriminatory law, as the support for their jurisdiction and authority to act in this matter.

The Law of Nations – International Treaty Law

Before and after the Marshall trilogy, 1823-1831, and the creation of the fundamental doctrines of federal Indian law, the Očhéthi Šakówiŋ Oyáte (and its ošpáyey) and TsiTsistas were recognized by the United States as a separate, independent and equal sovereign confederated nations in many treaties including those of September 23, 1805; July 19, 1815; June 1, 1816; June 22, 1826; July 5, 1825; July 6, 1825 (TsiTsistas); July 16, 1825; August 19, 1825; July 15, 1830; September 10, 1836; November 30, 1836; September 29, 1837; October 21, 1837; July 23, 1851; August 5, 1851; September 17, 1851 (Očhéthi Šakówiŋ Oyáte and TsiTsistas); June 19, 1858; February 18, 1861 (TsiTsistas); October 10, 1865; October 14, 1865; October 19, 1865; October 20, 1865; October 28, 1865; and April 29, 1868. *See*, VCLT, Article 2(1)(a). VCLT, art. 6 (“Every state possesses capacity to conclude treaties.”). Upon ratification by the Congress of the United States, each of these treaties with the Očhéthi Šakówiŋ Oyáte or its ošpáyey or with the TsiTsistas, became part of the Supreme Law of the United States of America. Constitution of the United States, art. VI, clause 2.

Under the United States’s own law of treaty interpretation, since the United States composed the treaties and drafted them only in English, by the rule of *contra proferentem* the language of the colonial power and foreign to the leaders and people of the Očhéthi Šakówiŋ Oyáte and TsiTsistas, “treaties with the Indians must be interpreted as they would have understood them.” *Choctaw Nation v. Oklahoma*, 397 U.S. 620, 631 (1970); *also*, *Worcester*, 31 U.S. 515, 552; *Jones v. Meehan*, 175 U.S. 1, 5 (1899); *R. v. White*, CarswellBC 212 (BC CA 1964) at 125 (“The language used in treaties with the Indians should never be construed to their prejudice.”).

To the Očhéthi Šakówiŋ Oyáte and the TsiTsistas, the 1851 Ft. Laramie Treaty and the 1868 Ft. Laramie Treaty are sacred declarations, agreements, and guarantees sealed by ceremony of that Nation and the United States of America regarding the relations and conduct of those nations and their peoples. By Article V of the Fort Laramie Treaty of September 17, 1851, 11 Stat. 749, with the Očhéthi Šakówiŋ Oyáte and the TsiTsistas, the United States recognized and acknowledged the territory of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas and their sovereignty over each territory. By Article XVI of the Fort Laramie Treaty of 1868, 15 Stat. 635, with the United States, the Očhéthi Šakówiŋ Oyáte again retained and secured against the United States its sovereignty over its territory and lands, including the “Unceded Territory.”

The sovereign territory of the Očhéthi Šakówiŋ Oyáte acknowledged by the United States by the Ft. Laramie Treaty of 1868 by Article 3 therein is described as follows:

Commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the States of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning;

and

The country north of the North Platte River and east of the summits of the Big Horn Mountains as “unceded Indian territory.

Article XII of the Ft. Laramie Treaty of 1868 expressly provided and agreed that no further cession of any territory or lands could be made by the Očhéthi Šakówiŋ Oyáte “unless [by **treaty**] executed by at least three fourths of all the adult male Indians, occupying or interested in same.” As found by the United States’s own courts in the *Sioux Nation* litigation, no valid subsequent treaty has been executed by Očhéthi Šakówiŋ Oyáte ceding any further territory or lands to the United States. All such territory remains that of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas. There is no basis for the assumption of authority or jurisdiction by the United States over any of the 1868 Treaty territory on which the CNEC / NUC activities are proposed.

Free, Prior, and Informed Consent and Additional Treaty Protections Prohibiting Action By the UNITED STATES or the States

By the Ft. Laramie Treaty of 1868, Articles II and XVI, the United States “solemnly” agreed that “no persons” without the prior consent of the Očhéthi Šakówiŋ Oyáte “shall ever be permitted to pass over, settle upon, or reside in the territory described in this article” Further, by Article III of the 1851 Ft. Laramie Treaty “the United States bind themselves [sic] to protect the aforesaid Indian nations [including the Očhéthi Šakówiŋ Oyáte and the TsiTsistas] against all depredations by the people of said United States, after the ratification of this treaty.” Article I of the 1868 Ft. Laramie Treaty which in accordance with the traditional law of the Očhéthi Šakówiŋ Oyáte and with the law of nations pertaining to territorial integrity and national sovereignty required any non-member of the Nation to obtain consent of the Nation and forbid the illegal entry of such persons, referred to as “Bad Men,” onto the territory and lands of the Očhéthi

Šakówiŋ Oyáte who committed “any wrong upon the person or property of the Indians.” *See, Elk v. United States*, 70 Fed.Cl. 405, 407 (Fed.Cl. 2006).

Like all sovereign nations and peoples, the Očhéthi Šakówiŋ Oyáte and the TsiTsistas possessed and have at all times possessed as a matter of law a right to demand free, prior, and informed consent as to any legislative or administrative measures taken by another nation, including the United States, that may affect it or its people. UN DRIP, art. 19, art. 32; ILO Convention 169, art. 6, sec. 2 and art. 26, sec. 2 (1989); *also, Saramaka People v. Suriname*, IACHR (Nov. 28, 2007), Series C No. 72, ¶s 130, 131, 133 – 192, 194, Relief ¶s 5, 8 (*citing*, Article 32 of the UN DRIP and ILO Convention 169). Under international law, every peoples and nation possess and have the right to exercise permanent exclusive sovereignty over their own natural wealth and resources and it is the obligation of every state to respect the sovereign right of every other nation to dispose of its own wealth and its natural resources. UN General Assembly Resolution 1803 (XVIII) (December 14, 1962); UN General Assembly Resolution 1515 (XV) (December 15, 1960); UN DRIP, arts. 26, 32.

Neither the Očhéthi Šakówiŋ Oyáte, nor the TsiTsistas, nor any of other Native nations or peoples, gave any consent to the CNEC / NUC activities on any of the Treaty territory or lands, including Ĥe Sápa, and have, instead, strongly opposed the incursions and trespasses upon their territory and lands. The permitting of the CNEC / NUC activities by the United States and the invasion of and trespass upon the territory of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas would be a violation of their laws, of the 1851 and 1868 Ft. Laramie Treaties, and of the Treaty obligation of the United States to forbid entry of “bad men” onto Oyáte and TsiTsistas territory, and of international law, including the sovereign rights of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas to territorial integrity, to self-determination, and to free, prior, and informed consent.

**Under Humanitarian Law and the Law of War
the United States Cannot Claim the Territory or Lands
of the Očhéthi Šakówiŋ Oyáte or the Territory or Lands of the TsiTsistas**

The Očhéthi Šakówiŋ Oyáte and its Oyátes, Ošpáyees, and people and the TsiTsistas and its people have for over 200 years resisted the unlawful incursions of agents of the United States and settler colonialists and the United States itself onto their territories and lands and engaged in protracted conflict and war with the United States including the First Sioux War of 1854 to 1856,

the Dakota War of 1862, the Colorado War of 1863 to 1865, the Sioux War of 1865, Red Cloud's War from 1866 to 1868, the Great Sioux War of 1876, the Ghost Dance War of 1890, and the Wounded Knee Occupation of 1890. The many invasions and incursions into and upon the territories of the Očhéthi Šakówiŋ Oyáte and TsiTsistas have been by the United States and its military, agents, and settler colonialists in violations of many treaty obligations of the United States which have resulted in unjust wars by the United States against the Očhéthi Šakówiŋ Oyáte and its opsayes and people and the TsiTsistas and its people.

Under the law of nations, unjust wars are unlawful and condemned. No perpetrator of an unjust war may take and keep any territory, lands, or resources of another nation and must restore all territory and lands taken and make total reparations and fully compensate the victim nation and people for all harms inflicted thereto. Vattel, Book III, chap. XI ("An unjust war gives no right whatever."); United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005); M. Cherif Bassiouni, "International Crimes: Jus Cogens and Obligatio Erga Omnes," 59(4) *Law and Contemporary Problems* 63, 68 (1996) (war crimes are *jus cogens*); Grigory I. Tunkin, "Jus Cogens in Contemporary International Law," 3 *U. Tol. L. Rev.* 107, 117 (1971) (same). Further, the usurpation of the sovereignty of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas by unjust war was and is a war crime. *Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties*, Paris Peace Conference (1919).

The many invasions and incursions into and upon the territories of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas have been by the United States and its military, agents, and settler colonialists are exercises of colonial rule by a dominant nation over another nation which was illegal under the Law of Nations in 1823, 1831, 1832, 1851, 1868, and 1877 as it has remained to be illegal – and condemned - under modern international law. Vattel, Book III, chap. XIII, secs. 193, 194, 196, 197, 201 (on the law of conquest); chap. XI (on unjust war); UN Res. 1514; Montevideo Convention, art. 11 (condemning acquisition by use of force). As long as they continue to resist in any form, as has the Oyáte of the Očhéthi Šakówiŋ and the TsiTsistas, the people subjected to unlawful rule by the perpetrator of an unjust war are in a state of perpetual war against the imperial or colonial ruler. Vattel, Book III, chap. XIII, sec. 201.

As the perpetrator of unjust wars against the Očhéthi Šakówiŋ Oyáte and the TsiTsistas, the wrongful occupier of the territories and lands of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas, and the unlawful ruler over the Očhéthi Šakówiŋ Oyáte and the TsiTsistas and their peoples, the United States can make no claim to such territory nor the authority or jurisdiction over such territory and therefore may not permit any activities by CNEC / NUC on or across any of the territory of the Očhéthi Šakówiŋ Oyáte or that of the TsiTsistas without their free prior and informed consent.

**The United States Lacks Competence to Determine or Assess
The Intangible Spiritual, Cultural, and / or Historical Interests of
the Očhéthi Šakówiŋ Oyáte or the TsiTsistas**

The CNEC / NUC application is subject to the National Environmental Policy Act (NEPA) (42 U.S.C. secs. 4321 *et seq.*) and the Nation Historic Preservation Act (NHPA) (54 U.S.C. secs 300101 *et seq.*). Section 106 of the NHPA requires a field survey of the area under consideration to determine the existence of TCPs (Traditional Cultural Places or Properties) potentially eligible for listing in the National Register of Historic Places (NRHP). Craven Canyon, the entire canyon due to its great many Native cliff writings and rock art, has already been nominated by archaeologist Dr. Linea Sundstrum, probably the world's top non-Native expert on Craven Canyon's rock art, for NRHP listing and withdrawal from any mining.² However, the obligations of the United States and the USFS, under their own laws, required a much deeper look into and assessment of the interests of any and all Native nations or peoples potentially affected by the proposed activities. As stated by the Atomic Safety and Licensing Board regarding the licensing of *in situ* uranium mining activities by another Canadian uranium corporation near Crow Butte, a sacred hill some 50 miles south of Craven Canyon:

The NHPA and NEPA both impose procedural steps to improve agency decision-making, and many of the NHPA's requirements overlap with those of NEPA. Of particular importance here, NEPA requires each federal agency to undertake a "hard look" at the *environmental impacts* of each major federal action—which would include impacts of license renewal on TCPs. Satisfying NEPA means satisfying, at a minimum, the NHPA's Identification Obligations, and even *going further* in

² US DOI, Heritage Conservation and Recreation Service, Nomination of 7 November 1980; US DOI, National Park Service, Nomination of February 25, 1993; USFS Mineral Withdrawal Notice, File Code 2790 / 1950 (January 26, 2009).

certain cases. For example, NEPA requires a look at *intangible*, not just tangible properties, and *it is not limited to a focus on historic properties in the same way as the NHPA*. ...[T]he EA also indicates that short shrift was given to a review of tangible *and intangible* TCPs that do not rise to the level of historic properties under the NHPA.

In the Matter of Crow Butte Resources, Inc., Partial Initial Decision (PID) (ML16147A587), 84, 85 (emphasis provided), *aff'd* US NRC. The Board further recognized that due to the nature of such intangible interests as the historical, cultural, or spiritual significant to a Native nation, non-Native (non-Lakota) experts were not qualified to render assessments of those interests or the risks to for the purposes of an environmental assessment under NEPA. *Ibid.* 67-68, 77-80. Accordingly, the NEPA assessment of those intangible interests was completed at the expense of the permit applicant by the Oglala Lakota Nation (the Oglala Sioux Tribe) using its own Lakota-speaking experts in its culture, history, and spirituality. *Ibid.* The USFS is not qualified to make those determinations and therefore may not permit the activities of CNEC / NUC without the participation of the Parties making this comment.

Any Considerations of Exploration or Mineral Development Activities Should be Stayed Pending Negotiations and Co-Management Efforts

Additionally, there are current efforts to reach agreements on the return of Treaty lands and territory, including Ĥe Sápa and the Craven Canyon area, to the Očhéthi Šakówiŋ Oyáte and for co-Management of Ĥe Sápa and its sacred areas by the United States and the Oyáte. On information and belief, the area at bar has also been classified as “surplus” land by the United States and is subject to return under its own laws regarding the surplus property of the United States.

Conclusion

These comments are a direct challenge to any exercise of colonial authority, including plenary power, by the United States or the states or their agencies over the Očhéthi Šakówiŋ Oyáte or the TsiTsistas or their territories in the issuance of any persons to CNEC / NUC for any activities on or across any territory of the Očhéthi Šakówiŋ Oyáte or TsiTsistas as recognized by the United States in the 1851 Ft. Laramie Treaty. In turn, it is also a challenge to any claim of the United States, the states, or their agencies to any of the territory of the Očhéthi Šakówiŋ

Oyáte or of the TsiTsistas as defined in the 1851 Ft. Laramie Treaty. It is a direct challenge to all forms and manifestations of past, present, or future colonial rule and acts of racial or ethnic discrimination by the United States against the Očhéthi Šakówiŋ Oyáte, its peoples, or its member Oyátes (Nations / Council Fires) and Ošpáyes (bands) or the TsiTsistas and its peoples. The comments demand full compliance with the laws of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas as well as the Law of Nations, including international treaty law and international human rights law, particularly the collective rights of the Očhéthi Šakówiŋ Oyáte and the TsiTsistas to self-determination, sovereignty, and territorial integrity equal to that of all other nations and peoples.

For these reasons, the CNEC / NUC application must be denied.

FOR THE COMMENTING PARTIES

A handwritten signature in blue ink, appearing to read "Andrew B. Reid", with a stylized flourish at the end.

Andrew B. Reid, Counsel