

Handout 3A

Project: SAP 001-600-017 - Grading and Aggregate Surfacing - Hazelton Township				Engineers Estimate		Ulland Brothers Inc Cloquet, MN	
Line No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price
1	2021.501 MOBILIZATION	LS	1	\$12,000.00	\$12,000.00	\$29,103.40	\$29,103.40
2	2051.501 MAINT & RESTORATION OF HAUL ROADS	LS	1	\$1,000.00	\$1,000.00	\$550.00	\$550.00
3	2101.511 CLEARING & GRUBBING	LS	1	\$20,000.00	\$20,000.00	\$47,928.00	\$47,928.00
4	2104.501 REMOVE PIPE CULVERTS	LF	604	\$8.00	\$4,832.00	\$7.50	\$4,530.00
5	2105.501 COMMON EXCAVATION (P)	CY	20388	\$6.00	\$122,328.00	\$5.70	\$116,211.60
6	2105.521 GRANULAR BORROW (EV)	CY	4478	\$7.42	\$33,226.76	\$14.40	\$64,483.20
7	2105.533 SALVAGED AGGREGATE (CV)	CY	658	\$10.00	\$6,580.00	\$7.50	\$4,935.00
8	2105.604 GEOTEXTILE FABRIC TYPE V	SY	5328	\$2.50	\$13,320.00	\$1.50	\$7,992.00
9	2118.502 AGGREGATE SURFACING (LV), CLASS 5 MOD	CY	6057	\$15.80	\$95,700.60	\$18.50	\$112,054.50
10	2501.511 15" CS PIPE CULVERT	LF	774	\$22.00	\$16,016.00	\$34.00	\$26,316.00
11	2501.511 18" CS PIPE CULVERT	LF	324	\$26.00	\$7,592.00	\$35.00	\$11,340.00
12	2501.511 24" CS PIPE CULVERT	LF	38	\$32.00	\$1,088.00	\$49.00	\$1,862.00
13	2501.511 30" CS PIPE CULVERT	LF	42	\$40.00	\$1,520.00	\$61.00	\$2,562.00
14	2501.511 36" CS PIPE CULVERT	LF	38	\$50.00	\$1,600.00	\$73.00	\$2,774.00
15	2501.515 15" GS PIPE APRON	EACH	0	\$150.00	\$6,900.00	\$165.00	\$0.00
16	2501.515 18" GS PIPE APRON	EACH	0	\$185.00	\$2,960.00	\$173.00	\$0.00
17	2501.515 24" GS PIPE APRON	EACH	0	\$220.00	\$440.00	\$255.00	\$0.00
18	2501.515 30" GS PIPE APRON	EACH	0	\$350.00	\$700.00	\$480.00	\$0.00
19	2501.515 36" GS PIPE APRON	EACH	0	\$375.00	\$750.00	\$630.00	\$0.00
20	2563.601 TRAFFIC CONTROL	LS	1	\$2,500.00	\$2,500.00	\$1,575.00	\$1,575.00
21	2573.502 SILT FENCE, TYPE HI	LF	6445	\$2.00	\$12,890.00	\$2.05	\$13,212.25
22	2574.508 FERTILIZER TYPE 3	LB	4780	\$0.60	\$2,868.00	\$0.62	\$2,963.60
23	2575.501 SEEDING (P)	ACRE	13.7	\$110.00	\$1,507.00	\$315.00	\$4,315.50
24	2575.502 SEED MIXTURE 25-141	LB	810	\$2.50	\$2,025.00	\$3.55	\$2,875.50
25	2575.511 MULCH MATERIAL TYPE 1	TON	27.4	\$125.00	\$3,425.00	\$157.50	\$4,315.50
Project: SAP 001-600-017 - Grading and Aggregate Surfacing - Hazelton Township				Engineers Estimate		Ulland Brothers Inc	
Line No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price
26	2575.519 DISK ANCHORING (P)	ACRE	13.7	\$75.00	\$1,027.50	\$199.00	\$2,726.30
27	2575.523 EROSION CONTROL BLANKETS CATEGORY 3	SY	4907	\$2.45	\$12,022.15	\$1.55	\$7,605.85
28	2575.57 RAPID STABILIZATION METHOD 1	ACRE	6.8	\$450.00	\$3,060.00	\$525.00	\$3,570.00
Totals for Project SAP 001-600-017					\$389,878.01		\$475,801.20

Ulland Brothers, Inc. agrees to the revised unit prices and estimated quantities contained on this worksheet. Upon award of the original contract amount of \$497,845.00, Ulland Brothers, Inc. agrees to execute required contract changes to reflect these revised quantities and unit prices.

Accepted By:

Robby Meseroll  
 Printed Name

Robby Meseroll  
 Signature

6/2/2015  
 Date



# CERF/CERA REPORT



MEMBER UPDATE

May 2015

Vol. 11, No. 1

An Educational Publication of Citizens Equal Rights Foundation and Citizens Equal Rights Alliance



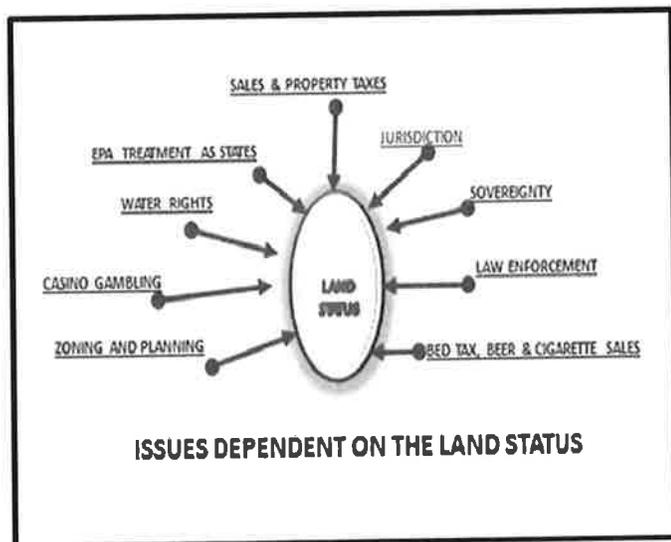
## A Message from the Chair of CERA

By Judy Bachmann

Often when I answer my phone I am confronted with trying to explain why certain Federal Indian Policy (FIP) situations occur. Sometimes it concerns zoning or law enforcement, EPA and treatment as states, health inspections, casino gambling, as well as water rights. Experience leads me to believe that the root problem of these issues depends on either the sovereignty of the tribe or the status of the land and cannot be completely solved until that status is determined.

A very astute attorney explained to me how he prepares what he calls a spider, outlining a case to enable him to direct the testimony, keeping the legal argument on the basic issue. I have attempted to prepare such a spider regarding the issues surrounding tribes and the problems that arise between them, the non-tribal fee land owners in neighboring communities and FIP.

This issue of the CERA/CERF Report attempts to explain the link between some of the problem issues and the land status.



In the Sherrill Decision (544 U.S. 197 2005) Justice Ginsburg of the United States Supreme Court (SCOTUS) wrote that a tribal leader could not unilaterally establish sovereignty over land that was once occupied by a tribe when later it purchased that land in fee. She then wrote that the proper avenue for the tribe in question to establish sovereignty over the land was 25 USC 465 (the fee to trust process). This remains an important ruling by SCOTUS regarding the status of the land.

JUN 08 2015

## Who's In Charge Of Indian Country?

By Christopher Kortlander

"Indian Country" refers to any of the many self-governing Native American communities throughout the United States. As a legal category, it includes "all land within the limits of any Indian reservation" (emphasis added), "all dependent Indian communities within the borders of the United States," and "all Indian allotments, the Indian titles to which have not been extinguished." This legal classification defines American Indian tribal and individual private land holdings as part of a reservation, an allotment, or a public domain allotment. All federal trust lands held for Native American tribes are considered Indian Country. Federal, state, and local governments use this category in their legal processes. However, according to the U.S. Census of 2010, more than 78% of all Native Americans live off of officially designated reservations. Indian Country now spans thousands of rural areas, towns and cities where Indian people live.

continue on page 2

“Indian Country” is a term that has been utilized in statutes granting broad authority over non-Indians. It is defined in 18 USC §4451: Except as otherwise provided in sections §1154 (re: Dispensing Intoxicants) and §1156 (re: Possession of Intoxicants) of this title, the term “Indian Country,” as used in this chapter, means:

(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation.

(b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and

(c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Usually, to be recognized as Indian Country, the land must either be within an Indian reservation or it must be federal trust land (land technically owned by the federal government but held in trust for a tribe or tribal member).

Even the definition of *Indian* is poorly defined and lacking distinguishing characteristics. Although the definition varies, a person is usually considered an Indian if he or she has some Indian blood and is considered an Indian by the community. Blood requirements may vary from tribe to tribe, but often it is enough to have a parent, grandparent, or great-grandparent qualify as an Indian. To be identified as an Indian for federal and statutory purposes, however, a person must be an officially enrolled member of a federally recognized tribe.

Tribal Courts are distinctly different from State and Federal Courts inasmuch as Native Americans exist in an undefined segment of United States citizenship. Although defined as US citizens since 1924 (Indian Citizenship Act of 1924),

indigenous people did not have to apply for citizenship, nor did they have to give up their tribal citizenship to become a US citizen. Most tribes had communal property; in order to have a right to the land, the Indians must belong to the tribe. Thus, dual citizenship was allowed. The Dawes Act (1887), one of several treaties, allocated land to individual Native Americans. Because they were landowners and would eventually pay taxes on the land and become “proficient members of society,” they would be granted citizenship.

The problem is that federal statutes give tribal governments broad legal authority over Indians living in Indian Country. The scope of the authority of tribal governments, and thus tribal courts, over Indians is such that Indians living in Indian Country are no longer entitled to the benefit and protection of the US Constitution and the Bill of Rights which protect citizens from the actions of state and federal government entities and courts. This is because tribal governments are considered to be the sovereign authority over Indians in Indian Country. This authority extends beyond the specific boundaries of a tribe to encompass any enrolled or enrollable Indian ANYWHERE in Indian Country. The use of tribal prosecutors as quasi-federal prosecutors (following the enactment of the Tribal Law and Order Act in 2010) provides tribally administered criminal sanctions for any crimes charged in Indian Country even if the defendant is NOT an Indian.

The Indian Civil Rights Act of 1968 imposed most but not all of the requirements of the US Bill of Rights on the tribes. The 1968 Act also amended Public Law 280 so that states no longer held civil and criminal jurisdiction over Indian Country, unless the tribes consented at certain elections.

Law enforcement is thus a patchwork of intermingled laws, with intertwined jurisdictions and multiple law enforcement agencies, all trying to

**Federal Indian Policy is unaccountable, destructive, racist, and unconstitutional. It is, therefore CERF and CERA’s mission to ensure the equal protection of the law as guaranteed to all citizens by the Constitution of the United States.**

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protect and serve within a complex occasionally contradictory legal system that is striving generally to be all things to all people and working effectively for none. This includes the hapless non-Indian attempting to lawfully reside and do business within the confines of Indian Country.

The tentacles of every bureaucratic agency with power to regulate anything seems to find its nexus in governing the interaction of most anything that the non-Indian does while living in, working in, or even passing through Indian Country, and the Tribal Law and Order Act seems destined to strip the non-Indians' constitutional rights away in favor of shoring up a fascist and generally un-overseen society.

Contemporary Indian Country jurisdiction has been shaped over the years by the rulings of many Supreme Court cases and federal statutes involving criminal and civil jurisdiction within Indian Country. Today, the jurisdiction of federal, state, and/or tribal courts usually depends upon whether the parties involved are considered to be Indians or tribal members, the nature of the offense, and/or whether the event(s) took place on land legally designated Indian Country.

Federal civil jurisdiction is very limited in Indian Country. Federal courts have jurisdiction over claims that arise under federal law and in cases of diversity of citizenship. Federal courts have limited jurisdiction in civil cases involving divorce, adoption, child custody, or probate.

### **Tribal jurisdiction**

The Major Crimes Act passed by Congress in 1885 applies in Indian Country. That said, tribal criminal jurisdiction over Indians in Indian Country is complete and exclusive unless there is a federal statute deeming it otherwise or limiting it in some way. Exclusive jurisdiction is given to the tribal courts over non-major crimes committed by Indians against Indians in Indian country, as well as victimless Indian crimes. Jurisdiction is also granted, though not exclusively, to tribal courts over non-major crimes by Indians against non-Indians. In these cases, federal courts also have jurisdiction through the General Crimes Act, so jurisdiction is shared.

Tribal courts have exclusive jurisdiction in civil cases against any Indian in Indian Country. This

includes cases brought against an Indian by a non-Indian in Indian Country, and all cases between tribal members that arise in Indian Country. Exclusive jurisdiction over tribal subject matter also belongs to the tribal courts. In divorce cases, tribal courts have exclusive jurisdiction over divorces between Indians living in Indian Country. In some divorce cases involving Indians living outside Indian Country, the tribal and state courts may have concurrent jurisdiction. The Indian Child Welfare Act of 1978 provides for tribal jurisdiction in adoption and custody cases of Indian children who are domiciled in Indian Country. Children ultimately take the domicile of their parents; if the child is illegitimate, it takes the domicile of its mother. Tribal courts also exercise jurisdiction in adoption and custody matters of Indian children who are tribal members. In cases involving probate, tribal courts have exclusive jurisdiction over non-trust movable assets of Indians residing in Indian Country.

### **State jurisdiction**

States have limited criminal jurisdiction in relation to crimes committed in Indian Country. The state exercises exclusive jurisdiction over crimes by non-Indians in Indian Country, including victimless crimes.

In general, states exercise civil jurisdiction in cases involving non-Indians, and sometimes non-tribal members, even when these cases arise in Indian Country. In divorce cases, states have jurisdiction if both parties are non-Indian and living in Indian country. In matters involving adoption and child custody proceeding between parents, the division of jurisdiction is very similar. The states only have jurisdiction over cases involving the adoption and custody of Indian children not domiciled in Indian Country. In probate cases, states have jurisdiction regarding cases of non-trust estates of Indians who died while they were domiciled outside of Indian Country and also in cases dealing with any land outside of Indian Country.

Every situation involves an opportunity for the dangerous misapplication of a variety of laws to be enforced by a collection of law enforcement agencies that act according to the laws of multiple sovereign or quasi-sovereign governments with

uncertain jurisdictional authority (but always subject to conflicting mores), as well as situational ethics based upon moving social standards. Law enforcement officers from these various agencies carry weapons and perform their duties despite unanswered questions about their training and certification, as well as their familial and national allegiances.

Indian Country is a very dangerous place to live. In this world, paramilitary uniforms do not identify friend or foe, but only serve as a guarantee that justice is uncertain at best, and may not exist at all, in Indian Country.

### **Oklahoma**

There is one notable variation on the concept of Indian reservations and Indian Country, which can be found in the State of Oklahoma. In 1907, preparations began for Oklahoma's admission to the Union on an "Equal footing with the original States." Through a series of acts (including the Oklahoma Organic Act and the Oklahoma Enabling Act), Congress unilaterally dissolved all sovereign tribal governments within the state of Oklahoma, transferred all tribal lands by land patent (or first-title deed) to individual tribal members, sold land to non-tribal members on a first-come basis (typically by land run), or held land in trust by the federal government for the benefit of the members of the tribes.

By 1936, the federal government had changed its policy in regard to Indian tribes; Indian Nations within the state of Oklahoma were reinstated by the Oklahoma Indian Welfare Act. However, by this time, the State of Oklahoma was a sovereign state and the powers and authorities that other non-Oklahoma reservations possessed could not be taken back from the State of Oklahoma.

Congress tried to further rectify the situation through the Omnibus Budget Reconciliation Act of 1993, which authorized substantial tax incentives based on certain business activity within the boundaries of Indian reservations. Congress wanted to insure that these benefits would also be available in Oklahoma by including in the legal definition of "Indian reservation" the term "former Indian reservations in Oklahoma."

In a 1997 amendment, these lands were defined as the "then-current jurisdictional areas" of Oklahoma Indian tribes, as determined by the Secretary of the Interior.

The result is that business is booming in Oklahoma for tribal members and for non-Indians, because all sovereignty within the state rests with the State or the United States. Thus, the non-Indian is able to do business anywhere in the state confident in the knowledge that a foreign government will not be able to use its own self-serving set of laws and regulations based on the concept of Indian Country because **without reservations boundaries there is no Indian Country**, there is only one state law for the entire State of Oklahoma and all of the people who live there.

**Federal Indian Policy is unaccountable, destructive, racist, and unconstitutional. It is, therefore CERF and CERA's mission to ensure the equal protection of the law as guaranteed to all citizens by the Constitution of the United States.**

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### **Important! Please Read!**

Please make your check out to CERA (no tax deduction), OR to CERF (if you would like a tax deduction), OR if you would like us to decide where your donation could best be used, you can make it out to CERA or CERF. To avoid confusion, we kindly ask that you do not make your check out to CERA/CERF or to CERA-CERF. Please help us make our bank, the Internal Revenue Service and our treasurer happy!

## What Lands Are Eligible

### For Indian Casinos

By Butch Cranford



It may come as a surprise but not all lands owned by Indian tribes or held in trust by the United States for Indian tribes are eligible for an Indian casino pursuant to the Indian Gaming Regulatory Act (IGRA). So what lands are eligible for an Indian casino? Contrary to what you might have heard or might have read in news articles or in lands opinions on the National Indian Gaming Commission (NIGC) website land has to be within the limits of an Indian reservation and held in trust or restricted fee by the United States for the tribe. The definition of Indian lands eligible for an Indian casino is found at 25 U.S.C. 2703(4). The NIGC unnecessarily clarified the law at 2703(4) with its regulation at 25 C.F.R. 502.12. The dubious NIGC clarification rearranges the language of 2703(4) and includes an insidious change of language. The NIGC changes the conjunctive word “and” to “or” to create two separate definitions of Indian lands not dependent on each other to replace the one definition written by congress. When questioned about the change, former NIGC Chief Legal Counsel Penny Coleman declared that “and” and “or” mean the same thing. Pure bureaucratic rubbish.

The folly of this clarification is easily exposed because if “and” and “or” mean the same thing there would be no need for the change. This barely noticeable but insidious change of the language of the IGRA through regulation enables the NIGC to approve gaming ordinances and gaming management contracts for Indian casinos on fee lands not eligible for a casino pursuant to the IGRA as written by the Congress. The source for this malpractice is found in the two earliest lands opinions found on the NIGC website in the reading room under lands opinions.

[http://www.nigc.gov/Reading\\_Room/Indian\\_Land\\_Opinions.aspx](http://www.nigc.gov/Reading_Room/Indian_Land_Opinions.aspx)

The 1990 lands opinion for the Blackfeet Tribe and the 1992 lands opinion for the Red Lake Band both concluded fee lands within the boundaries of

a reservation were eligible for an Indian casino. In the Blackfeet opinion the land in question was fee land owned by a non Indian and in the Red Lake opinion the land was fee land within the reservation. These two opinions are wrong but they serve as the foundation for many of the questionable lands opinions authored by the NIGC and Office of the Solicitor since 1992. Let’s examine why these two opinions are wrong.

25 U.S.C. 2703(4) begins the definition of Indian lands with “all land within the limits of any Indian reservation.” Within the limits of a reservation is not within the boundaries of a reservation as will be explained. The use of “limits” as opposed to “boundaries” in 2703(4) by the Congress was necessary and intentional because not all lands within the boundaries of Indian reservations were reservation lands held in trust by the U.S. on October 17, 1988. A considerable amount of land within the original boundaries of many Indian reservations is owned in fee by private individuals and those lands are State lands subject to State jurisdiction. These reservations are referred to as “checker boarded” due to lands of various status scattered within the original boundaries of these Indian reservations.

The status of land within the boundaries of a reservation could include but is not limited to the following: land held in trust by the U.S. for the tribe; land held in restricted fee by the U.S. for the tribe; and fee lands owned by the tribe, Indians or non Indians. Lands held in trust or restricted fee by the U.S. for the tribe are the “limited” lands of the reservation and the boundaries of those lands define the “limits” of the delimited reservation. These lands would be eligible for a casino pursuant to the IGRA as they are within the limits of a reservation **and** held in trust or restricted fee as required by 2703(4). All fee land within boundaries of the reservation are not within the limits of the reservation and are not eligible for a casino as they do not meet the definition as set forth at U.S.C. 2703(4).

The validity of this plain reading of 2703(4) is supported by section 20 of the IGRA found at 25 U.S.C. §2719. Section 20 prohibits gaming on

lands acquired after October 17, 1988 unless the lands acquired in trust by the Secretary are within or contiguous to the "boundaries" of the reservation of the Indian tribe on October 17, 1988. It is this section of the IGRA that confirms that land has to be both within a reservation **and** held in trust or restricted fee on October 17, 1988 to be eligible for an Indian casino.

If all fee lands within a reservation were eligible for an Indian casino as opined by the NIGC and the Office of the Solicitor, the language of section 20 requiring fee lands acquired after October 17, 1988 be held in trust and within or contiguous to the boundaries of the reservation would be unnecessary. To restate, land acquired before October 17, 1988 is eligible for an Indian casino if it is within the **limits** of a reservation **and** held in trust or restricted fee. Fee lands acquired after October 17, 1988 must be held in trust **and** be within or contiguous to the **boundaries** of the reservation.

However, Ms. Coleman opined in her Red Lake opinion that the unambiguous definition set forth by the Congress at 2704(4) and confirmed at Section 20 of the IGRA is too restrictive for the NIGC, Office of the Solicitor, BIA, and casino shopping tribes. The solution was to clarify the definition of Indian lands via regulation and then begin delivering bogus land opinions. The following excerpt is from Ms. Coleman's 1992 Red Lake Opinion.

*"NIGC staff confirmed that the Indian lands definition establishes two separate definitions of lands. Therefore, tribal gaming may be conducted on fee lands within the reservation. I concur in that interpretation. Any other interpretation would be unnecessarily restrictive in other circumstances. Arguably such an interpretation could limit all gaming to lands on reservations. Restricting gaming to reservations was not contemplated by the Act as is evidenced by Section 20 which governs trust acquisitions for off reservation gaming."*

Restricting Indian casinos to reservations was precisely what Congress had in mind when it passed the IGRA. Congress did not include the term "off reservation" in Section 20 or anywhere else in the IGRA. "Off reservation" gaming pursuant to the IGRA is a creation of the NIGC, Office of the Solicitor and BIA for casino shopping tribes.

It is important that the status of land proposed

to be used for an Indian casino be determined independently of the NIGC, Office of the Solicitor, and the BIA. If the land was acquired prior to October 17, 1988 it must be within the limits of the reservation and held in trust or restricted fee and if acquired in trust after October 17, 1988 it must be within or contiguous to the boundaries of the reservation. A trip to your local County Recorders Office will allow you to determine if land is eligible for an Indian casino. Do not depend on the veracity of a lands opinion from the NIGC, Office of the Solicitor, or the BIA.

However, as is often the case in Federal law, Section 20 contains four specific exceptions requiring very special circumstances that could allow a tribe to build a casino on trust land that is not within an existing reservation. These exceptions will be examined in a future CERA Report as at least two of the four exceptions (restored and settlement of a land claim) have been abused and misused by the NIGC, Office of the Solicitor, BIA, DOI, and casino shopping tribes.

### **Sales Tax Inequality through Land Status** *By Richard Tallcot*

Land status is, and has always been, the foundation of this country. It provides the cornerstone for governments to tax the people. The greatest revenue income for the state and local governments to provide services is most often sales taxes.

New York State sales tax is 4% and most counties, including Seneca & Cayuga, are an additional 4%.

New York State also imposes an excise tax on cigarettes or cigars at the rate of \$4.35 per package of twenty plus \$2.00 per ounce on other tobacco products.

NYS also imposes an excise tax on motor fuel of about 3%.

Sales tax is one of the largest revenue sources for counties in the State, making up about a third of each county's revenue.

When land status changes allowing businesses to avoid taxes, competing businesses lose revenue due to unfair competition and counties lose a portion of their greatest revenue source.

Based upon research done by Upstate Citizens for Equality and confirmation done by District Attorneys with State law enforcement it was believed that businesses on property purchased by the Cayuga Nation should comply with the State Tax law.

The Cayuga Nation had sold all their land to the State in 1789 and the State allowed them use-rights to 100 square miles of State land. They sold those use-rights in 1795 and 1807.

In 1980 they filed a land claim alleging the use-right sales were invalid but they lost that land claim in 2005 following the City of Sherrill v. Oneida Indian Nation ruling by the Supreme Court of the United States (SCOTUS). That ruling stated that a tribe could not regain sovereignty over land through open market purchase. A ruling by SCOTUS applies to the whole country, so the Cayuga did not have sovereignty over the land.

On November 25th, 2008 two Cayuga Indian Nation-owned cigarette shops (Lakeside Trading in Seneca Falls & Union Springs), were raided by officials from the Cayuga County and Seneca County Sheriff's Department and seized 17,600 cartons of cigarettes.

County officials claimed the stores were violating state law by selling cigarettes without charging the required tax, and owed \$485,000 in state excise taxes. They claim that the stores are not on sovereign land.

On December 9th the NYS Supreme Court Justice Kenneth Fisher ruled in favor of Cayuga and Seneca counties, supporting their right to pursue a tax evasion investigation against the Cayuga Nation. In NYS the Supreme Court is the lowest court.

On January 21st, 2009 the Appellate court issued a preliminary injunction preventing tax evasion investigation from going forward until the appeal was

heard, and on February 18 the court ordered the Cayuga Nation to stop selling cigarettes until the appeals court ruled.

On April 3rd, 2009 the Appeals court heard arguments on whether criminal tax evasion investigation is legal, and on July 10th ruled that the Cayuga could reopen their businesses.

On July 13th, 2009 the Cayuga Nation presented an offer to Cayuga and Seneca counties to pay legal fees for both counties if both counties dropped their pursuit of an investigation. It was obvious that the tribe was not sure their arguments would hold. The next day, both counties rejected the offer.

August 27th, 2009 a judge ruled that cigarettes seized in the raid would not be returned to Cayuga Nation because they are part of an ongoing investigation.

October 2nd, 2009 the State appellate court ruled the counties could take the case to state's highest court, the State Court of Appeals.

They heard arguments on March 25th, 2010 and on May 11th ruled that the Cayuga Nation cannot face criminal tax evasion charges and said the state should institute a system to separate sales to natives from sales to non-natives. Actually the State has such a system but fails to implement it.

But the land status changed since UCE did their initial research and the state law had changed concerning sales tax.

In New York's quest to circumvent the State Constitution banning casinos they changed the definition of a "Qualified Reservation" in the tax law for tribes to read "any land purchased by a tribe" so the State could deal with tribes to open a casino anywhere.

The State since legalized casinos but competing businesses, several of which were forced to close, and municipal governments still suffer the consequences.

*Federal Indian policy in unaccountable, destructive, racist and unconstitutional. It is therefore CERF and CERA's mission to ensure the equal protection of the law as guaranteed to all citizens by the Constitution of the United States*

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**FRANKLY WE NEED HELP!!!!**

A few years ago CERA changed the format for the payment of the dues. Our fiscal year was changed to January 1 through December 31. There was no increase in the amount and our dues still stand at \$35.00 per year. Please remember that the boards of CERA and CERF do so at their own expense. When we send out a CERA/CERF Report there is no cost for the writing or the editing however, the printing and postage amounts to thousands. It is your dues that help cover the cost of our own semi-annual CERA/CERF Report with articles from across the US. Please take the time to put a check in the mail TODAY to cover your 2015 dues.

Three years ago the boards decided to do regional conferences across the country. With the expense incurred by individuals who attended the Washington conference becoming prohibitive we determined that we could reach more people by going to them. In the past two years we have held 8 educational conferences in various locations across the country and reached many hundreds of attendees. The expense of those educational conferences is born by the **TAX DEDUCTIBLE CONTRIBUTIONS you make to CERF**. CERF, CERA'S educational foundation pays for the printing of informational handouts and necessary expenses to reach hundreds each year through educational regional conferences. Your tax deductible contribution made today will help us plan to educate many more individuals and elected officials across the country on the effects that Federal Indian Policy has on the lives of every American.

Thank you for your help, enabling CERA/CERF to CONTINUE working toward the equal protection guaranteed to every citizen by the United States Constitution and challenge the overreach of our Federal Government in the lives of United States Citizens.

# AITKIN COUNTY ADMINISTRATION

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Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W., Rm 134  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

Ag Society  
Kirk Peysar-Aitkin County Courthouse  
209 2<sup>nd</sup> St NW  
Aitkin, MN 56431

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

According to our records, in 2015 your organization received appropriations in the amount of \$10,000 and an additional \$10,000 for capital improvements.

There will be very limited availability of funds for appropriations in 2016. In the event your organization is requesting an increase, please be sure to include a statement which justifies the requested increase. Specifically, we would like to know the expenditure or revenue pressure your organization is facing and how any increase granted by the County Board would improve services. Also, please include any steps your organization is taking to control your costs.

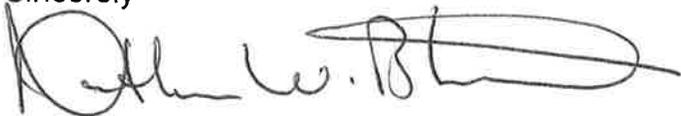
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  - Where else does your funding come from - i.e., grants etc.

Please have this information back to me prior to July 24th. If we don't hear back from you by July 24th, we will use the 2015 numbers.

If you have any questions, please feel free to call me at (218) 927-3093. Thank you for your time and attention to this matter.

Sincerely



Nathan Burkett  
County Administrator

cc: Aitkin County Board of Commissioners  
Kirk Peysar, County Auditor  
Budget Correspondence

# AITKIN COUNTY ADMINISTRATION

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Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W., Rm. 134  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

Aitkin Airport Commission  
109 1<sup>st</sup> Ave NW  
Aitkin, MN 56431

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

According to our records, in 2015 your organization received appropriations in the amount of \$14,107.

There will be very limited availability of funds for appropriations in 2016. In the event your organization is requesting an increase, please be sure to include a statement which justifies the requested increase. Specifically, we would like to know the expenditure or revenue pressure your organization is facing and how any increase granted by the County Board would improve services. Also, please include any steps your organization is taking to control your costs.

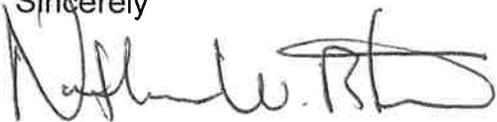
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Sincerely



Nathan Burkett  
County Administrator

cc: Aitkin County Board of Commissioners  
Kirk Peysar, County Auditor  
Budget Correspondence

# AITKIN COUNTY ADMINISTRATION

Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W., Rm. 134  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

Aitkin County CARE  
P.O. Box 211  
Aitkin, MN 56431

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

According to our records, in 2015 your organization received appropriations in the amount of \$37,900.

There will be very limited availability of funds for appropriations in 2016. In the event your organization is requesting an increase, please be sure to include a statement which justifies the requested increase. Specifically, we would like to know the expenditure or revenue pressure your organization is facing and how any increase granted by the County Board would improve services. Also, please include any steps your organization is taking to control your costs.

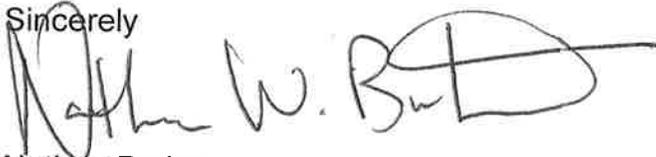
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Sincerely



Nathan Burkett  
County Administrator

cc: Aitkin County Board of Commissioners  
Kirk Peysar, County Auditor  
Budget Correspondence

# AITKIN COUNTY ADMINISTRATION

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Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W., Rm. 134  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

Central Minnesota Corrections  
322 Laurel Street, Suite 32  
Brainerd, MN 56401

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

According to our records, in 2015 your organization received appropriations in the amount of \$149,989.

There will be very limited availability of funds for appropriations in 2016. In the event your organization is requesting an increase, please be sure to include a statement which justifies the requested increase. Specifically, we would like to know the expenditure or revenue pressure your organization is facing and how any increase granted by the County Board would improve services. Also, please include any steps your organization is taking to control your costs.

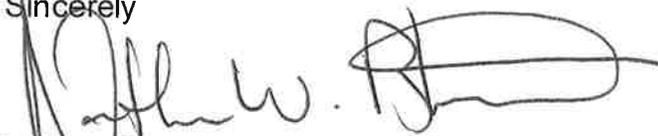
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Sincerely



Nathan Burkett  
County Administrator

cc: Aitkin County Board of Commissioners  
Kirk Peysar, County Auditor  
Budget Correspondence

# AITKIN COUNTY ADMINISTRATION

Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W., Rm. 134  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

East Central Regional Library  
244 South Birch Street  
Cambridge, MN 55008

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

According to our records, in 2015 your organization received appropriations in the amount of \$231,602.

There will be very limited availability of funds for appropriations in 2016. In the event your organization is requesting an increase, please be sure to include a statement which justifies the requested increase. Specifically, we would like to know the expenditure or revenue pressure your organization is facing and how any increase granted by the County Board would improve services. Also, please include any steps your organization is taking to control your costs.

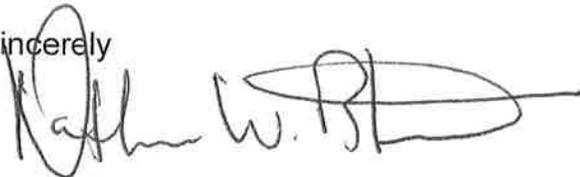
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Sincerely



Nathan Burkett  
County Administrator

cc: Aitkin County Board of Commissioners  
Kirk Peysar, County Auditor  
Budget Correspondence

# AITKIN COUNTY ADMINISTRATION

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Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W., Rm. 134  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

Aitkin County Historical Society  
PO Box 215  
Aitkin, MN 56431

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

According to our records, in 2015 your organization received appropriations in the amount of \$15,500.

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Sincerely



Nathan Burkett  
County Administrator

cc: Aitkin County Board of Commissioners  
Kirk Peysar, County Auditor  
Budget Correspondence

# AITKIN COUNTY ADMINISTRATION

Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W., Rm. 134  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

McGregor Airport Commission  
Judy Cirilli  
McGregor City Hall  
McGregor, MN 55760

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

According to our records, in 2015 your organization received appropriations in the amount of \$13,900.

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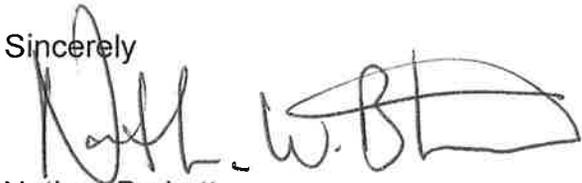
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Nathan Burkett  
County Administrator

cc: Aitkin County Board of Commissioners  
Kirk Peysar, County Auditor  
Budget Correspondence

# AITKIN COUNTY ADMINISTRATION

Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W., Rm. 134  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

Mississippi Headwaters Board  
Land Services Building  
322 Laurel Street  
Brainerd, MN 56401

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

According to our records, in 2015 your organization received appropriations in the amount of \$1,500.

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Nathan Burkett  
County Administrator

cc: Aitkin County Board of Commissioners  
Kirk Peysar, County Auditor  
Budget Correspondence

# AITKIN COUNTY ADMINISTRATION

Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W., Rm. 134  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

Northern Counties Land Use Coordinating Board  
35559 Hill Road  
Grand Rapids, MN 55744-4760

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

According to our records, in 2015 your organization received appropriations in the amount of \$2,000.

There will be very limited availability of funds for appropriations in 2016. In the event your organization is requesting an increase, please be sure to include a statement which justifies the requested increase. Specifically, we would like to know the expenditure or revenue pressure your organization is facing and how any increase granted by the County Board would improve services. Also, please include any steps your organization is taking to control your costs.

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Sincerely



Nathan Burkett  
County Administrator

cc: Aitkin County Board of Commissioners  
Kirk Peysar, County Auditor  
Budget Correspondence

# AITKIN COUNTY ADMINISTRATION

Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W., Rm. 134  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

Snake River Watershed Management Board  
18 N Vine Street #291  
Mora, MN 55051

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

According to our records, in 2015 your organization received appropriations in the amount of \$10,079.

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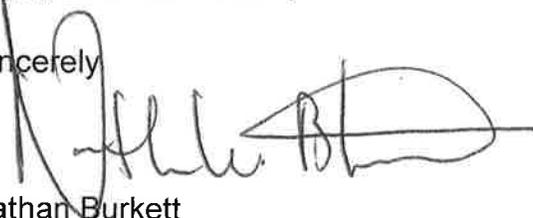
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Nathan Burkett  
County Administrator

cc: Aitkin County Board of Commissioners  
Kirk Peysar, County Auditor  
Budget Correspondence

# AITKIN COUNTY ADMINISTRATION

Aitkin County Courthouse  
Nathan Burkett  
217 Second Street N.W.  
Aitkin, MN 56431  
218-927-3093

June 3, 2015

Aitkin County Soil and Water Conservation District  
Steve Hughes  
130 Southgate Drive  
Aitkin, MN 56431

Aitkin County is establishing its 2016 budget. As an organization that received funds from Aitkin County in 2015, we are asking for your assistance.

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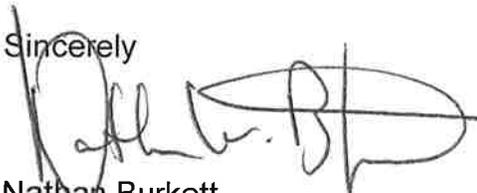
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County Administrator

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Budget Correspondence

