

CONSTITUTIONAL VIOLATIONS OF CSKT COMPACT

CSKT Compact Element	Montana Constitution	U.S. Constitution
<p>Tribes reserved the Flathead Indian Reservation, giving rise to “tribal reserved water rights”</p>	<p>Article I. Compact with the United States the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana</p>	<p>Article I § 10: limits the power of the states. States may not enter into a treaty with a foreign nation; that power is given to the President, with the advice and consent of two-thirds of the Senate present. <i>The State of Montana reinterpreted the Treaty of Hellgate regarding the federal reservation of land; and created new federal water rights where Congress has not acted</i></p>
<p>Unitary Management Ordinance Unitary Management Board (“the Law of Administration”)</p> <ul style="list-style-type: none"> • Rejects Montana Water Use Act • Delegates authority for the management of state law based water rights, disputes, and decision-making to a politically appointed board • Court of Competent Jurisdiction [due process] • Management Plan—Adaptive Management 	<p>Article II (General Rights) § 17 No person shall be deprived of life, liberty or property without due process of law Article V (Legislature) “the legislature shall not pass a special or local act when a general act is, or can be made applicable” Article VII (Judiciary) §4(1 & 2): “the district court has jurisdiction in all criminal cases amounting to felony and all civil matters and cases in law and in equity; §2(4) “the Supreme Court process shall extend to all parts of the state” Article IX (Environment and Natural Resources) §3, 4: “Legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records...”</p>	<p>Article IV § 4: The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence Fourteenth Amendment—Equal Protection under the law. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.</p>
<p>Claim for Irrigation Water, off reservation water rights, and time immemorial priority dates</p>	<p>Article II § 17 No person shall be deprived of life, liberty or property without due process of law</p>	<p>Article V ... nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.</p>
<p>State Immunity from damages, costs and attorney’s fees</p>	<p>Article II § 18 “[t]he state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property, except as may be specifically provided by law by a two-thirds vote of each house of the legislature.”</p>	<p>Fourteenth Amendment—Equal Protection under the law. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.</p>