

No. _____

IN THE
Supreme Court of the United States

MAHICAN TRIBE AND RICK VANGUILDER AND MI'KMAQ
TRIBE AND GARY METALLIC,

Applicants / Complainants,

v.

CANADA, FRANCE, NETHERLANDS, PORTUGAL, RUSSIA,
SPAIN, UNITED KINGDOM AND UNITED STATES,

Respondents.

Reply to Response

MI'KMAQ TRIBE AND GARY
METALLIC, *Pro se*
MAHICAN TRIBE AND RICK
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(1). NETHERLANDS' POLITICAL BRANCH responded, "It is my understanding that you [Gary Metallic] and Mr. Van Guilder are unsatisfied with the case law of the United States Supreme Court relating to the sovereignty of Indian tribes." Actually the Case Court Documents establish the complaint is not with "the case law" *per se* but with the genocide being caused by the political and judicial branches' obstruction and ignoring of it. CANADA, PORTUGAL, RUSSIA, SPAIN, UNITED KINGDOM and UNITED STATES ignore the issue entirely. FRANCE evades service albeit admitting actual notice. The NETHERLANDS "misunderstands" the issue.

(2). THE POLITICAL BRANCH of the respondents thusly elects to obstruct and ignore its constitutions' protection of Indian tribal sovereignty. In 2004 in *United States v. Lara* (Court Document 2 page 2 note 3) Justice Clarence Thomas identified the issue:

In 1871, Congress enacted a statute that purported to prohibit entering into treaties with the "Indian nation[s] or tribe[s]." 16 Stat. 566, codified at 25 USC §71. Although this Act is constitutionally suspect (the Constitution vests in the President both the power to make treaties, Art. II, §2, cl. 2...), it nevertheless reflects the view of the political branches that the tribes had become a purely domestic matter. To be sure, this does not quite suffice to demonstrate that the tribes lost their sovereignty...Federal Indian policy is, to say the least, schizophrenic...I believe we must examine more critically our tribal sovereignty case law. Both the Court and the dissent, however, compound the confusion by failing to undertake the necessary rigorous constitutional analysis. I would begin by

carefully following our assumptions to their logical conclusions and by identifying the potential sources of federal power to modify tribal sovereignty...I do, however, agree that this case raises important constitutional questions that the Court does not begin to answer. The Court utterly fails to find any provision of the Constitution that gives Congress enumerated power to alter tribal sovereignty...I would be willing to revisit the question...The Federal Government cannot simultaneously claim power to regulate virtually every aspect of the tribes through ordinary domestic legislation and also maintain the tribes possess anything resembling "sovereignty." The Court should admit that it has failed in its quest to find a source of congressional power to adjust tribal sovereignty. Such an acknowledgement might allow the Court to ask the logically antecedent question whether Congress (as opposed to the President) has this power. A cogent answer would serve as the foundation for the analysis of the sovereignty issues posed by this case...[U]ntil we begin to analyze these questions honestly and rigorously, the confusion...will continue to haunt our cases.

(3). THE JUDICIAL BRANCH is obliged by oath or affirmation to rescue constitutional supremacy from "*the view of the political branches that the tribes had become a purely domestic matter*" which, in this case, is being implemented by the Court Clerk's obstruction.

July 15, 2011.

Gary Metallic

R. V. A.

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