

No. 18-1461

In The
SUPREME COURT OF THE UNITED STATES

Dawn Marie Delebreau,
Petitioner,

v.

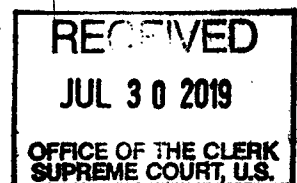
Cristina Danforth, Larry Barton, Melinda Danforth,
and Geraldine Danforth,
Respondents.

Supplemental Brief on Other Intervening Matters
by Petitioner
to the United States Supreme Court

SUPPLEMENTAL BRIEF RULE 15.8
POST-DOCKET HARASSMENT AND
HUD DRUG OPERATIONS LEADING TO DEATH

Dawn Marie Delebreau, Petitioner, Pro Se
W480 Fish Creek Rd.
De Pere, WI 54115
920.615.6674

Kenneth R. Nowakowski & Lisa M. Lawless
Defendants' Counsel
Husch Blackwell LLP
555 East Wells St., Ste. 1900
Milwaukee, WI 53202-3819
414.273.2100



QUESTIONS PRESENTED

On June 11, 2019 the Petitioner was harassed post-docket by another tribal member at the Oneida Community Library. The intensity of familial harm post-docket is compounded by the cyclic nature of the HUD material Ponzi cash fueling tribal HUD-based drug operations. The casino-backed Oneida Nation is wealthy and powerful and “acts with deliberate indifference” to “severely and pervasively”¹ crush the HUD fraud informants’ family to prevent the release of HUD fraud-drug cycle information.

The questions presented are:

- 1) Is continued psychological harassment a violation of Petitioners’ Article VII rights?
- 2) Does pervasive tribal retaliation represent a material change in the Petitioners’ conditions of employment²?
- 3) Is the pervasive tribal retaliation a red herring to avert disclosing an illegal drug operation³ in the Oneida HUD program?
- 4) Is the casino-wealthy Oneida Nation “crossing the unconstitutional line between rich and poor”⁴ by skewing the playing field in the tribes’ favor?

¹ *Davis v. Monroe County Bd. Of Ed.* (97-843) 526 U.S. 629 (1999).

² *Burlington Northern and Santa Fe Railway Co. v. White*, 548 U.S. 53 (2006).

³ *U.S.A. v. Jay L. Fuss*, Case No. 17-CR-92 and *State of Wisconsin v. Richard N. Denn*, Case No. 2018-CF-001163.

⁴ *Douglas v. California*, 372 U.S. 353 (1963).

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INTRODUCTION

Because this Case was docketed, on June 11, 2019, the Petitioner was verbally abused in the Oneida Community Library by another tribal member. The Petitioner believes the higher degree of harassment is a red herring attempt to quash the post-docket connection between the HUD material Ponzi scheme and at least one of two drug operations, and a subsequent tribal-member-death. The latter Ortiz⁵ drug ring involves tribal housing, Oneida Casino, the Potawatomi Indian Reservation, and likely the Mexican Cartel. The Petitioner is concerned, post-docket, for the safety and mental wellbeing of her children and is a Supplemental Brief trigger.

The harassment began by calling the Petitioner a "Dirty Little Indian." The insult starts with the Petitioners' tribal employment situation and ends with crushing the Petitioner by the wealthy casino-backed Oneida Nation government. In the former, the tribe will not hire the HUD fraud informant even though [she] belongs to the tribal-member-class. In the latter, the tribe has bottomless Oneida Casino-deep pockets to silence the Petitioner. The harassment has revealed the reason for the higher intensity; illegal HUD fraud-drug ring connections.

The HUD material Ponzi scheme generated cash for the HUD-based Fuentes⁶ drug ring muddled by Denn see *State of Wisconsin v. Richard N. Denn*,

⁵ *State of Wisconsin v. Ruben Ortiz Jr*, Case No. 2019-CF-000902.

⁶ *State of Wisconsin v. Ricardo Rosales Fuentes*, Case No. 2018-CF-001164.

Case No. 2018-CF-001163. Wade⁷ (deceased) was living with Fuentez and is the niece of Denn and the daughter of the Oneida HUD Homeownership Program Manager⁸. Because of previous HUD fraud⁹ the Oneida Business Committee was given HUD Oversight such that the Manager, *supra*, is the tribal chairman's aunt. Post-docket inference demonstrates the reason for a higher degree of Petitioner harassment, such that the HUD Ponzi scheme directly fueled the Fuentez HUD and Ortiz drug operations and is the probable cause of Wade's drug-related death¹⁰. Because many tribal members and employees are implicated in the fraud-drug cycle. The cyclic HUD fraud-drug ring and drug-related death were embedded or in the alternative covered up by lower HUD, Division of Land Management (Land Management), Defendants, and the higher-echelon HUD Oversight.

After the Fuentez drug ring was busted, Wade was arrested and charged for selling drugs on the

⁷ *State of Wisconsin v. Melissa Hazel Wade*, Case No. 2018-CF-001206. Because Melissa Wade (age 35) died on March 14, 2019, she is presumed innocent of the charges against her, nonetheless, "After being interviewed by the Green Bay Police Department Officer [Wade] signed a written statement acknowledging that she was aware of the criminal activity." See, *Melissa H. Wade v. Comprehensive Housing Division*, Case No. 18-TC-022, p.5, para. 4.

⁸ By Rule 24.6 the name of the manager is intentionally left out.
⁹ HUD Office of the Inspector General (OIG) Audit Report Number 2008-SE-1002.

¹⁰ The tribal newspaper obituary reports Wade's death as being from natural causes, however, the Brown County, Wisconsin medical examiner states the cause of death is acute fentanyl and alcohol intoxication.

Forest County Potawatomi Indian Reservation¹¹. Post-*Fuss* the drug operations turn to the Ortiz tribal housing drug operation. The Green Bay Press Gazette¹² reported the Ortiz drug ring netted more than two dozen suspects and seizure of at least a kilo of cocaine and weapons. The Petitioner expects as triggered by the library conflict, Wade' death, and the drug-bust confiscated weapons continued harm to the health and wellbeing of [her] family.

Keeping the HUD fraud-drug cycle a secret is the cause of action "that is so severe, pervasive, and objectively offensive that it effectively bars the [Petitioner-]victims' access to [equal] opportunity or benefit," see *Davis v. Monroe County Bd. Of Ed.* (97-843) 526 U.S. 629 (1999) at 633. The retaliation against the Petitioner HUD fraud informant is so grievous that the Defendants or in the alternative a few tribal officials would rather side with E.D. Wis', decision to void all 17,000 tribal members' federally approved Article VII, Bill of Rights, to save their own red skin. This shameful reason underlies the judicial err to eliminate the Petitioners' 42 U.S.C. § 1983 rights initially outlined in the Petition for Writ of Certiorari in this Case.

¹¹ *State of Wisconsin v. Melissa H. Wade*, Case No. 2018-CF-000120. Because Melissa Wade died on March 14, 2019, she is presumed innocent of the charges against her.

¹² Hernandez, S. & Srubas, P. (2019, June 18). Drug bust throughout Green Bay area nets more than two dozen suspects. Retrieved from <https://www.greenbaypressgazette.com/story/news/2019/06/18/green-bay-police-bust-29-drug-sweep-throughout-metro-area/1493382001/>

CONSTITUTIONAL PROVISIONS

Relevant provisions of 42 U.S.C. § 1983 are reproduced here:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...

Relevant provisions of 25 U.S.C. § 1302 are reproduced here:

(a). In general, no Indian tribe in exercising powers of self-government shall

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(8) deny to any person within its jurisdiction the equal protection of the laws or deprive any person of liberty or property without due process of law;

Relevant provisions of the Oneida Nation Constitution Article VII – Bill of Rights are reproduced here:

All members of the Nation shall be accorded equal opportunities to participate in the economic resources and activities of the Nation. All members of the tribe may

enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, association and due process of law, as guaranteed by the Constitution of the United States.

STATEMENT

1. Post-Docket Harassment

- A. Unless herein, the U.S. Supreme Court *sua sponte* considers a post-docket harassment remedy, there appears to be no Petitioner protection thus, implores in part, answers to the additional questions regarding hindrance and deprivation of the Petitioners' constitutional and federal statute rights.

2. HUD Fraud-Drug Operation

- A. How did the HUD material Ponzi scheme and HUD drug operation work? HUD and housing materials were used to fix, renovate, and repair both tribal and non-tribal homes and businesses on and off the Oneida Indian Reservation.
- i. Tribal HUD employees, for example, would renovate a non-HUD approved home using HUD materials¹³, sometimes during the workday, after work, and on the weekends for cash paid by the hour.

¹³ The materials were marked with HUD contract or other identifying letters and numbers.

- ii. The materials were elaborately replaced and covered up by tribal HUD employees by shuffling materials from one home to another across multiple funding sources and periods.
 - a. Shuffling and repurchasing HUD materials negatively impacted tribal HUD end-users who were unaware of the HUD-based Ponzi-drug operation, i.e., rent was increasing, and things were not being fixed on time.
- iii. HUD construction supervisor Fuss provided subordinate HUD employee Denn (Wade' uncle) with cash who then middledd the drugs in HUD housing sold by Fuentez (Wade' boyfriend), and the fraud for drugs cycle repeated itself.
- iv. The employee drug use allowed the fraud-drug cycle to go unchecked by tribal Accounting, tribal HUD, Land Management, Defendants, and HUD Oversight because many of their family and friends are implicated in the illegal drugs, subsequent drug-related death, unauthorized HUD home renovations, and tribal purchases of homes suspected to have unauthorized HUD materials.

- v. The unchecked HUD fraud-drug cycle and death is the cause of pervasive retaliation against the Petitioner.
- vi. The Defendants attempt to eliminate the Petitioners' 42 U.S.C. § 1983 rights by tossing out the Oneida Nation Constitution, Article VII, to avert post-docket discovery concomitant disclosure of the HUD material fraud-drug operations and drug-related death, to the tax-paying public and this Court.

3. Facts

- A. The *pro se* Petitioner was harassed post-docket on June 11, 2019 and is a trigger for this Supplemental Brief.
- B. After post-docket, the Petitioner, an Oneida tribal HUD fraud informant, was verbally attacked by another Oneida member known to be a tribal subcontractor on the Reservation at the Oneida Nation Community Library.
- C. The increased intensity of tribal harassment arises from the Tribes' attempt to prevent uncovering Denn' illegal drug middling in tribal HUD housing and is directly tied to the HUD material Ponzi scheme that extends to Land Management.
 - i. Despite the HUD fraud and the illegal drug operation, Denn

continues to work via the Huber Law
for Oneida Housing¹⁴.

- D. The tribal member (victimizer) called the Petitioner a "Dirty Little Indian" explicitly citing the docketing of this U.S. Supreme Court Case.
- E. The harassment consists of one specific reason why the Petitioner is going to lose this Case.
 - i. The tribe is too powerful, inferring the tribe is going to crush the Petitioner.
- F. The harasser appeared to attack the Petitioner's current status.
 - i. The tribe will not hire the Petitioner because [she] is a whistleblower.
- G. Per Rule 24.6, the Petitioner is required to prevent scandalous matter; therefore, the Petitioner intentionally, by Rule fails to state the name of the Oneida victimizer.
 - i. The name of the harasser is available at this Courts' request.

¹⁴ Case No. 2018CF001163 Doc.# 35, pg. 1, filed on May 22, 2019 see also Bail Checklist dated August 15, 2018, *id.*, 1163; "Carpenter for Oneida Housing – 18 yrs."

SUMMARY OF ARGUMENT

1. Post Supplemental Brief, both the frequency and intensity of victimization is expected to increase.
2. The Petitioner argues harassment and abuse negatively impacts both [herself] and [her] children; two are minors. Herein, the Petitioners' children's' safety and mental health are of primary concern and the reason for this post-docket Supplemental Brief trigger.
 - a. One of the Petitioners' children continues to work for the tribal Comprehensive Housing Division and post-docket adverse harassment directed at the Petitioner [mother] flows through him.
 - i. This Case is preventing post-docket, or in the alternative suppressing directed harassment and future physical confrontation (pressed below) of Petitioners' son, i.e., the outcome of this Supplemental Brief is expected increase the harm to the Petitioners' son who still works for the tribe.
3. The harasser argues the tribe is casino-rich and therefore the tribe will out-spend and out-litigate the poor indigent *pro se* Petitioner. The Petitioner argues the legal

playing field is unconstitutionally skewed in favor of Oneida Nation Casino-backed individual Defendants, see *Douglas v. California*, 372 U.S. 353 (1963).

4. The harasser argues the Petitioner is a snitch, a nark, a federal whistleblower, or in the alternative a HUD fraud informant and therefore will never work for the tribe again. The Petitioner argues, [she] is a tribal member (a special-class), who disclosed a federal HUD Ponzi scheme that created a material change in the Petitioners' employment conditions and failure to maintain tribal employment concomitant benefits in retaliation, see *Burlington Northern and Santa Fe Railway Co. v. White*, 548 U.S. 53 (2006).
5. The intensity of harassment is intimidation but also a red herring; a failed attempt to contain the tribal HUD fraud to the material Ponzi scheme when the HUD fraud involved at least one illegal drug operation. In other words, the tribe did not, nor do [they] want to disclose to the tax-paying public that the HUD material Ponzi scheme underpinned an illegal HUD housing drug operation and subsequent drug-related death. The drug operations are post-docket evidence or in the alternative a compounded cause for the increase in the intensity of Petitioner harassment.
6. Petitioner argues that another, post-docket, tribal drug ring, and subsequent Native

American Drug and Gang Initiative (NADGI) drug bust, will continue to intensify [her] familial threat and harassment. The Ortiz drug arrests were first reported in the local news¹⁵ on or about June 18, 2019 and described on the Oneida Nation website¹⁶. Those arrested have or appear to have ties to tribal housing, gangs, the Oneida Nation Casino, and the Mexican cartel. Indeed, a senior tribal newspaper¹⁷ reporter states, "Those arrested are suspected of being involved in a large-scale drug ring with possible Mexican cartel ties."¹⁸

ARGUMENT

1. The Oneida Nation Constitution, Article VII, where the Oneida Nation being the General Tribal Council of more than 17,000 tribal members is the ultimate governing body of the tribe and cannot abridge the Petitioners' rights. Yet, docketing this Supreme Court Case is the direct cause of a greater degree of Petitioner harassment,

¹⁵ Green Bay Press Gazette and WBAY.

¹⁶ <https://oneida-nsn.gov/blog/2019/06/20/nadgi-brown-county-agencies-take-down-drug-ring-with-possible-cartel-ties/>

¹⁷ Kalihwisaks.

¹⁸ Johnson, C. (2019). NADGI, Brown County agencies take down drug ring with possible cartel ties. Retrieved on June 27, 2019 from <https://oneida-nsn.gov/blog/2019/06/20/nadgi-brown-county-agencies-take-down-drug-ring-with-possible-cartel-ties/>

retaliation, and constitutional abridgment by the tribe; the tribe expands their role to harm the Petitioner in tribal public places, by subcontractors and individuals, which demonstrates intensifying tribal fiscal, political, and psychological pressure to silence the Petitioner.

- a. The disclosure of the HUD fraud-drug ring and subsequent drug-related death will push the boundaries of tribal political and psychological crushing-pressure against the Petitioner if federal protective measures cannot be obtained or in the alternative equal protections given.
2. The increased intensity of retaliation spills over to growing the degradation of the Petitioners' future as a tribal member inferring the Petitioners' guaranteed Article VII rights to equal opportunities to participate in the tribe are abridged; the reason for employment rejection, i.e., the Petitioner is blackballed for disclosing HUD fraud.
 - a. The Petitioner disclosed HUD fraud without "real" or in the alternative specific federal protections for whistleblowing fraud of federal monies on the Oneida Indian Reservation and "result[ed] in an adverse effect on the terms, conditions, or benefits of [her tribal] employment," see *Burlington Northern* at 60.

3. Although this Case is against tribal individuals, the increased post-docket harassment to silence the Petitioner demonstrates to this Court the casino-rich, Oneida Nation is unconstitutionally quashing the Petitioners' right to equal protection and due process of law see *Douglas*, also 25 U.S.C. § 1302, and Article VII.
 - a. The psychological damage of being a "Dirty Little Indian" is of concern to the Petitioner. However, the harm to [her] minor children are of more significant distress because [they] hear and witness [their mother] being verbally abused which continues as demonstrated herein post-docket and is a trigger of this Supplemental Brief.
 - i. Harassment of the Dirty Little Indian is directed at [her] Dirty Little Indian children to increase familial, psychological harm as a mechanism to apply pressure to silence [her] in this Case and especially post Supplemental Brief, i.e., disclosing the HUD fraud-drug ring concomitant drug-related death will cause the Petitioner and [her] family further harm.
 - ii. Both Petitioners' minor children are under medical care and receiving psychological treatment.