



CERF/CERA REPORT

MEMBER UPDATE

December 2025 Vol. 21 No. 2

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

From the Chairman Darrel Smith

Important History that Every American Should Know

Pollsters have found a steep decline in American patriotism and as many young people favor socialism as those who favor capitalism. How did this happen to us? Here's a reason:

A group of communist researchers were associated with the university at Frankfurt, Germany. Because they thought communism was a science, they expected communism to become dominant after WWI ended and were surprised when that didn't happen. After Hitler came to power, they decided they needed to leave Germany, and they found a home at Columbia University in New York. They were not thankful nor appreciative of their new home and their protection from Hitler, instead, they wanted to alter America towards Communism.



Darrel Smith

They were surprised that workers in America were driving cars and decided a worker's economic revolution in America was unlikely. Eventually, they decided to encourage cultural divisions to highlight and encourage divisions in America. They retained the Marxist idea of a society controlled by people who were oppressors and people who were oppressed. In their effort to divide and diminish America, they developed and promoted many different forms of "Critical Theory" including critical race theory, feminist theory, critical legal studies, financial studies, management studies, international studies, education studies, criminal studies, and many others. These studies were designed to criticize all forms of traditional America and encourage movement towards collectivism, socialism and Marxism.

No individual or organization approaches perfection, so some of these studies are factual, others are exaggerated and one sided, and others are close to fraudulent, but their purpose is the same—denigrate traditional America and promote more socialistic choices. Universities are prominently leftist, and these ideas flourished in classrooms around the country eventually influencing thousands of books, media, movies and our culture.

It isn't just academic studies that are one-sided, the whole country is subjected to this one-sided criticism while collectivist benefits are extolled. Socialist and com-

munist utopias may seem wonderful in someone's head, but they didn't work out very well in the last century. The USSR, China and many other countries were mired in poverty, but poverty wasn't the worst of it. R. J. Rummel is a recognized authority on genocide and mass murder. He has written several books including "*Death by Government*." Apart from war, he estimates between 160 to 320 million people were killed by their own governments in the last century. After the fall of the USSR a group of researchers were allowed to study government caused deaths in the USSR. They wrote "*The Black Book of Communism*" and estimated government caused deaths approaching 100 million. These numbers are difficult to comprehend. We spent a good part of the last century in conflict with various forms of collectivism, socialism and communism and now almost one-half of our students favor socialism.

You can study this topic from a liberal perspective online by searching for the "Frankfort School" and "Critical Theory." Although the video is poor, you can listen to a conservative explanation by searching, "Bill Whittle Critical Theory Frankfort School."

THIS IDEOLOGY INFLUENCED THE PEOPLE THAT ESTABLISHED THE INDIAN REORGANIZATION ACT OF 1934

Many Critical Theory arguments are intellectual and so complex that most students or citizens can't understand them, but their result is simple. Suppose you have a wonderful spouse and a happy marriage. Now, suppose that you decide to subject your spouse to critical theory. You investigate and communicate every bad thing your spouse has ever done and communicate the truth, one-sided points of view, and possibly some fabrications about your spouse to whoever will listen and suppose you do this for a long time. Now you can say goodbye to your relationship and happy marriage and many young people, and others, are saying goodbye to their esteem for our country.

This ideology influenced the people that established the Indian Reorganization Act of 1934, a policy that still dominates federal Indian policy. Some of these people were Henry Wallace, Secretary of Agriculture from 1933 to 1940 who was also the 33rd Vice President of the United States, serving from 1941 to 1945. Harold L. Ickes was Secretary of the Interior from 1933 to 1946. John Collier ran the Bureau of Indian Affairs from 1933 to 1945. Felix Cohen worked in the Solicitor's Office of the Department of the Interior from 1933 to 1947. He was the drafter of the centerpiece legislation of this era—the 1934 Indian Reorganization Act. John Collier wrote a memoir

called "From Every Zenith" in 1963. Around pages 398 he praises the "enduring" "joy" of Red China.

Perhaps these people thought they were setting up utopian socialist/communal areas scattered across the United States that the rest of us would want to duplicate. Unfortunately for them, their utopias haven't worked out exactly as they planned.

How does this impact CERA and CERF? We believe in equal protection of the law. If you are convinced that oppressors have controlled our society, then you may believe equal opportunity just maintains that oppression. They believe if you favor equal opportunity before the law, you are for maintaining that oppression and you are racist

The following article is but a microcosm and just one example of unlawful actions initiated by the Bureau of Indian Affairs and the Federal Government. While the article is about the Lone Band specifically, CERA board member D.W. Cranford has chronicled the mis-deeds in detail and has gone head to head with officials at high levels in federal offices where decisions are 99% of the time made

among other failings. This leads to many attacks against us.

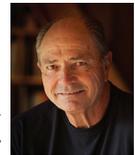
How does this fit into what CERA and CERF are doing within our legal system? We are seeking to return our legal system to constitutional-ism. Many of our broader constitutional problems are rooted in our unconstitutional federal Indian policy. Bringing this system into a constitutional structure will have a bigger impact on our society than many citizens understand. **We are making tremendous progress; progress we have spent decades hoping for. We thank you for your past support. We continue to need your support. That support is making a difference.**

in the tribes favor. While the detailed article may seem a bit daunting please stick with it to the end for a full grasp of the serious unlawful decisions the Federal Government perpetrates on the non-Indian members of the community.

The Editor

When Do Facts & Federal Laws Not Matter? **Whenever The Bureau of Indian Affairs & Federal Courts Are Involved!**

D.W. Cranford
CERA Bd member



The United States prides itself as Nation of Laws, as a Nation of Equal Opportunity, and as a Nation where Justice is blind. I cannot remember how many times I have heard elected officials, attorneys, federal judges and talking heads from every political and judicial environ remind the public that "no one is above the law". Well after 22 years dealing with the Bureau of Indian Affairs (BIA), the National Indian Gaming Commission (NIGC), the Department of Interior (DOI), the Solicitor, DOI attorneys, and various Federal Judges I am convinced that Federal Laws have been and are interpreted to the advantage of the Lone Band of Miwok Indians while indisputable Facts related to those clarifications and interpretations are ignored. The remainder of this article will detail how various federal agencies have schemed with unethical opinions, how federal court orders are ignored, how Supreme Court decisions are "fixed administratively", how a federal court decision in 2017 decided an issue that did not exist until February 2018. All done in an ultra vires process to the

benefit of the Lone Band while ignoring the local citizens concerns.

FACT: *The Lone Band has never been recognized by any Treaty, Act of Congress, or via the Section 83 Recognition Regulations.* In 1990 the Lone Band was in Federal District Court demanding that they be recognized by the United States. In 1992, Senior Federal District Court Judge Lawrence Karlton issued an order granting summary judgement to the United States wherein he decided, based on briefing from the Federal Defendants, that the Lone Band was not recognized and further that the sole administrative process for Lone to achieve recognition was via the Section 83 Recognition Regulations. This 1992 Court Order was never appealed and is binding on the Federal Defendants and the Lone Band. In 1996 he issued a final decision in that case where he denied all motions from the Lone Band based on the Court's finding that there was

**NO ONE IS
ABOVE
THE LAW**

**THIS MEMO
WAS ISSUED IN
CLEAR
VIOLATION . . .**

no recognizable tribal government at lone. **This is** FACT.

FACT: lone has not completed the Section 83 process for recognition. They were placed on the List of Groups eligible to receive BIA benefits with a March 22, 1994 memo from then Asst. Secretary Indian Affairs, Ada Deer. This memo was issued in clear violation of the 1992 Court Order and it is the beginning, the lone Band, being above the law.

In 2006 Associate Solicitor Carl Artman issued a restored lands opinion for the lone Band wherein he determined the lone Band was a restored tribe pursuant to the Indian Gaming Regulatory Act (IGRA). A most remarkable determination given that the lone Band had never been recognized and has never been terminated. The lone Band, according to Associate Solicitor Artman is determined to be above the law and facts do not matter.

IONE BAND TO BE ABOVE THE LAW THE FACTS DO NOT MATTER

In 2009 the Supreme Court issued its fee to trust decision in “Carcieri” and decided that “now” as used in the phrase “recognized tribe **now** under federal jurisdiction” from section 19 of the 1934 Indian Reorganization Act (IRA) meant in 1934. Based on that decision, only tribes recognized in 1934 and under federal jurisdiction in 1934 were eligible for fee to trust pursuant to the IRA. With the “Carcieri” decision the never recognized lone Band was not eligible for fee to trust unless the facts and the law could be interpreted and manipulated to somehow make the lone Band eligible for fee to trust. This was accomplished with a 2012 Record of Decision (ROD) wherein the Acting Asst. Secretary Indian Affairs (AASIA) decided lone was “under federal jurisdiction” in 1934 while ignoring the FACT lone was not recognized in 1934 or any other time. The 2012 ROD simply ignored the clear unambiguous language in the “Carcieri” decision requiring recognition in 1934 and once again the lone Band is above the law. It is not complicated to understand that not recognized in 1934 means a tribe is not eligible for fee to trust unless of course you are the not recognized in 1934 lone Band.

In January 2009 Solicitor David Bernhardt withdrew the lone Band restored lands opinion because in his words, “it was wrong”. No worry for the lone Band as the next

Solicitor reinstates the Artman opinion and the lone Band is again confirmed as being above the law where facts are ignored.

Two challenges to the May 2012 ROD for the lone Band were filed in Federal District Court in Sacramento, California. One by Amador County where the County challenged that lone was not restored and challenged that lone was not under federal jurisdiction in 1934. A citizens group, No Casino In Plymouth (NCIP) and CERA filed a complaint challenging that lone was not recognized in 1934, that the Fee to Trust regulations were not followed, that the IGRA was not complied with, and that the National Environmental Protection Act was not complied with. Three years later without a hearing the District Court granted summary judgement to the Defendants in both cases. The lone Band and their Federal benefactors were found to be above the law when the facts were ignored and no hearing was ever held. NCIP and Amador appealed to the 9th Circuit and after another 2 years the 9th Circuit ignores the facts and the law and upholds the Amador decision. In its decision for the NCIP challenge, the 9th Circuit orders the District Court to **dismiss the NCIP complaint at the time of filing**. NCIP just spent more than 5 years in Federal Courts only to find out our complaint was dismissed 5 years ago. The Federal defendants and the lone Band are above the law according to the 9th Circuit.

Forward to May 2018 and NCIP files another challenge to the May 2012 ROD just 2 days before the statute of limitations expires to file a challenge. We get the same District Court Judge and it is obvious he does not want to hear our case. The Feds file a motion to dismiss NCIP's 7th claim. NCIP agrees to the dismissal and the Court takes no action for over a year. Finally, the Judge schedules a hearing on the Feds Motion to dismiss which is simply ludicrous as based on the filings with the Court one of his clerks could have written the order to dismiss NCIP's 7th claim in less than 20 minutes. The hearing is scheduled for March 10, 2020 and after the hearing an order is issued dismissing NCIP's 7th claim. Two years to get this done when it should have taken a couple of months at most.

But that March 10, 2020 hearing was important based on who was there for the federal defendants and the lone Band. Upon arriving for that hearing, myself and NCIP's attorney see a very senior federal litigator seated in the cafeteria of the Federal Court building. Upon greeting her we

inquired how things were in the San Francisco office where she had worked for years and learned that she was now working out of the Denver office. Seemed odd to me and NCIP's attorney that the Feds would fly a senior litigator from Denver for a very routine hearing and we would learn the next day why she was in Sacramento. She was not there for the hearing she was there to deliver some very bad news to the lone Band.

On March 9, Solicitor Jorjani had withdrawn the Department's criteria on which the 2012 ROD for the lone Band was based; the "Cowlitz Two Part Process". The Solicitor's withdrawal was detailed in an M-opinion, M-37055 which specifically withdrew the criteria used to determine that lone was eligible for fee to trust pursuant to Section 19 of the IRA. There was now no ROD to acquire land in trust for lone pursuant to the IRA but again lone need not worry as there are other federal laws the BIA can use to make sure the lone Band remains above the law and their casino proposal remains viable.

Just 11 days after Solicitor Jorjani's withdrawal the Acting Regional Director of the Sacramento BIA Office, Ryan Hunter, acquires 10 parcels of land in trust for the lone Band and cites 25 U.S.C. 2202 of the Indian Land Consolidation Act (ILCA) as authority for the acquisition.

There is just one major problem; the landless lone Band is not a tribe as "tribe" is defined in the ILCA. However, for the above the law and the lone Band this is just another Federal Statute which can be ignored by the BIA for the benefit of the lone Band. NCIP notifies the Judge in NCIP's 2018 challenge to the 2012 ROD about the Solicitor's withdrawal and the Judge does nothing. Lone is then allowed to intervene in NCIP's 2018 case and the Judge decides that the 2017 decision by the 9th Circuit decided

THE FEDERAL DEFENDANTS AND THE IONE BAND ARE ABOVE THE LAW ACCORDING TO THE 9TH CIRCUIT.

all the issues in NCIP's 2018 complaint. Another problem; NCIP had challenged a February 2018 NIGC approval of a gaming ordinance for the lone Band. The NIGC was not a defendant in the Amador case and the 2018 NIGC approval of the gaming ordinance for the lone Band did not

exist in 2017. Appeal to the 9th Circuit finds the Judges there are willing to agree that a decision where the NIGC is not a defendant decided a case where the NIGC is a defendant and the 9th Circuit is willing to keep the lone Band and their federal benefactors above the law.

In April 2025 all this "above the law" scheme which has been going on for decades was challenged in the D.C. Federal District Court by myself, Jon Colburn, Bill Braun and CERA. Of course the Federal Defendants were eager to defend their illegal decisions and ultra vires actions made since at least 1994 and immediately asked the Court for an expedited hearing because the facts are what they have relied on and the laws are what they have complied in every decision and action taken on behalf of the lone Band.

Well not exactly; the Defendants waited nearly to the end of the time for their reply to request a 60 day extension which was granted. Then when those 60 days came and went another 60 day extension was requested and granted until October 14th. We have now filed a motion for a preliminary injunction as well as filed a request for expedited limited discovery. **I have been involved with the lone Band's attempt to site a casino in Plymouth since April 2003 and I am well aware of all the federal statutes and federal regulations which have been interpreted favorably and wrongly for the lone Band. I am extremely familiar with the well documented history of the lone Indians from the early 20th century to the present.**

The documented FACTS about the lone Indians clearly show there was never an organized tribe at lone and attempts by the lone Indians to organize after 1994 resulted in officials at the Sacramento Regional BIA Office creating a tribe where none ever existed. And it came as no surprise that one of those BIA officials is now a member of the lone Band; Amy Dutschke. Amy Dutschke who was in charge of the BIA realty office that processed the lone Band fee to trust application. Amy Dutschke who was the Regional Director when Acting Regional Director, Ryan Hunter, suddenly acquired 10 parcels in trust citing the ILCA as authority.

When it comes to every thing related to the lone Band and their 22 year proposed fee to trust for a casino the federal defendants and the lone Band have yet to comply with the Section 83 Recognition Regulations, the Indian Reorganization Act, and the Indian Gaming Regulatory Act

violated the 1992 Federal Court Order, and ignored the Supreme Court's "Carcieri" decision. In addition they have either ignored or just lied about the FACTUAL history of the lone Indians. To the present we have not found one Judge or Court where the FACTS and the LAW can be heard and the Federal defendants and the lone Band remain above the law to the present.

The action that myself, Jon, Bill and CERA have brought in the D.C. District Court is a comprehensive challenge to all the lawless ultra vires actions engaged in by the Federal Defendants to the benefit of the lone Band. We

would appreciate your financial and moral support in this endeavor as we attempt to have a federal court finally hear the FACTS and apply the law based on those FACTS to decide the lone Band and their federal benefactors at the BIA, DOI, and NIGC are not above the law. **You can support myself, Jon, Bill and CERA in this endeavor by a tax deductible contribution to CERF, P.O. Box 0379, Gresham, WI 54128.**

We Thank You in advance for your support and any contribution you are able to send.

Charlotte B. Mitchell 1928 - 2025



In June we lost the last founding member of CERA. Charlotte Mitchell with her husband Jim and the Coveys founded CERA after they were included in lawsuits by the United States in the late 1960's threatening to take their water

rights for Indian tribes. Charlotte and Jim had purchased a beautiful piece of land for their retirement in the Jemez mountains of New Mexico just above the Jemez Pueblo reservation. The Mitchells could not understand why the United States was trying to take away their water rights without paying for them.

Both Jim and Charlotte were veterans of World War

II. Charlotte was only 16 when she was placed in a nursing program by the Army in 1942. Charlotte had always taken care of everyone around her. She became an official nurse at 18 and worked for more than 40 years as a nurse for the military.

Charlotte took care of all of us in CERA keeping us on track and working towards our goal of holding the United States accountable to the equal protection standards of the Fourteenth Amendment to limit its power. Charlotte was thrilled that we succeeded in applying the Fourteenth Amendment to the United States in Indian law. Her final donation to CERF will help fund the amicus brief we will be writing to protect the Fourteenth Amendment in the birthright citizenship case just accepted by the Supreme Court of the United States.

A Note to Our Members and Supporters

Please note that the New Year is the time to renew your CERA/CERF membership. We cannot carry on without your support. Membership is just \$35 per year but if you can up that to perhaps \$100, \$200, \$500 or even \$1,000, it would be an immense help to our cause and it would be so much appreciated.

Other than the legal cost for amicus briefs to the Supreme Court our cost are quite modest. All of our board members are volunteers and they make up an amazing "think tank".

If you are least 70 1/2 consider making your tax-

free donation from your IRA for tax savings.

Use the enclosed envelope or have your donations sent to:

CERF / CERA
P.O. Box 0379
Gresham, WI 54128

Checks made out to CERF **are** tax deductible
Checks made out to CERA **are not** tax deductible
CERF is a 501(c)(3) nonprofit org
Please do not make your check out to CERA / CERF

Citizens Equal Rights Foundation, Inc.
Citizens Equal Rights Alliance, Inc.
P.O. Box 379
Gresham, WI 54128

ADDRESS SERVICE REQUESTED



Citizens Equal Rights Foundation, Inc.

Citizens Equal Rights Alliance, Inc.

MANY CULTURES • ONE NATION • ONE LAW