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It's Not Just A "No Action Required" Oath of Office

by Butch Cranford – CA

The many expressed opinions and questions about the events prior to and in aftermath of the November 3rd election caused me to think about what can be done, who can do what, when it can be done and with what authority in response to those questions. With the events and questions in mind, I began to think about the Oath of Office that members of the House of Representatives, Senators, Executive Branch Officials, Federal and State Judges, and State Legislators swear prior to taking office. Many in the media might be surprised to learn that all these officials are required by the U.S. Constitution at Article VI, clause 3 to take the Oath of Office.

"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

The Congressional oath of office used today has not changed since 1966 and is prescribed in Title 5, Section 3331 of the United States Code. It reads: **"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."** It appears that too few Congressmen, too few Senators, too few State Legislators and unfortunately too few Judges who are willing to act on their sworn oath to do what the oath requires; **"to support and defend the Constitution of the United States."**

Cornerstone words of the Oath are; **"I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic...."** Three actions; 1. I solemnly swear, 2. To support and 3. To defend the Constitution against all enemies, foreign and domestic. Actions which, in the current times, are rare in the U.S. Congress, rare in the Executive Branch, rare in State Legislatures and rare in the Judiciary beyond "I solemnly swear."

However, undertaking any substantive action to fulfill their sworn oath to support and defend the Constitution is just not popular in today's political climate. The attempts by a few State and Federal officials to support and defend the Constitution with objections or litigation were met with derision and contempt by the media and many other State and Federal officials. Supporters and defenders of the Constitution are now considered unpatriotic, out of touch, foolish, incoherent, uneducated and their "support and defense" of our Constitution is widely condemned. However, the Oath contains no conditions as to when, who, where, or how support and defense of the Constitution is to be accomplished.

So when should support and defense of the Constitution happen? Anytime, all the time, 24 hours a day 365 days a year because "when to support and defend the Constitution" has no limits or conditions. In my judgment, support is continuous and never ending and defense would begin immediately upon learning the Constitution has been or may be violated. Defending the Constitution from any violation or attempted violation should be the highest priority for all State and Federal Officials and Judges who have sworn the Oath. The Constitution should be supported and defended continually and immediate, and not days, weeks, months or years later.

Now who should take action to support and defend the Constitution? It is widely believed that it is the responsibility of the Supreme Court to uphold (support and defend) the Constitution. Simply, wrong. Support and defense of the Constitution begins with all State and Federal officials and lower court Judges

subject to the Oath. Not only those officials but you and I as sovereign U.S. Citizens have a responsibility to support and defend the Constitution. It is after all, a Constitution Ordained and Established by “We the People.” It is OUR Constitution and I am a proud CERA member because CERA supports and defends the Constitution. If the Constitution is not supported and defended by “We the People” then who?

And where should support and defense of the Constitution take place? Anywhere a violation or attempted violation occurs. For State Legislators, Congresspersons, Senators and Executive officials it should begin with the review of any legislation or executive action to assure the action proposed is Constitutional as all those officials have sworn to support and defend the Constitution. Unfortunately, too many of these officials (perhaps all) think it is the duty of the Judiciary to support and defend (uphold) the Constitution by deciding what is Constitutional. Nowhere in the Oath can I find a “I am not required to support and defend the Constitution because it is the responsibility of the Judiciary.”

Lastly, “What” actions “How” should anyone subject to the oath might take to support and defend the Constitution? Whatever action is necessary. Speaking up and objecting to the proposed legislation or executive or judicial action is one obvious action. Calling, writing, or meeting with elected officials and bureaucrats is required if we expect them to honor their oath. In my limited 17 year experience in CERA, I have found that Citizens are far more likely to support and defend their Constitution than their elected officials. Many times when meeting with elected representatives and bureaucrats in Washington D.C. I have too often seen the mere mention of the Constitution to cause a roll of the eyes, the cessation of note taking, and body language that clearly indicates “not interested” by those sworn to support and defend the Constitution. The filing of lawsuits which is costly and time consuming but necessary defense of the Constitution as we at CERA know all too well.

So with regard to recent events how are our Legislative, Executive, and Judicial Officials doing with their solemn sworn oath to support and defend the Constitution of the United States? Sadly and unfortunately not well – nearly zero from my observations.

It is undisputed that changes to State election procedures not made by State legislatures as required by

the U.S. Constitution are violations of the U.S. Constitution. It is undisputed the Governors are NOT State Legislatures that Secretaries of State are NOT State Legislatures, that State Judges are NOT State Legislatures, and that State Election Officials are NOT State Legislatures. However, all of these entities in several States made significant changes to their State election procedures prior to the 2020 election without any action by their State Legislatures and then implemented and used the changed procedures to conduct the 2020 election in their respective States in clear violation of the U.S. Constitution.

These well documented **unConstitutional** changes were initiated, implemented, used, and defended by Officials who did “solemnly swear to support and defend the Constitution of the United States.” When the violations were brought to their attention these officials, who freely took the oath to support and defend the Constitution refused to correct their **unConstitutional actions**. Then when challenged in State and Federal Courts they defended their **unConstitutional** actions and failed again to defend the Constitution. And in some instances, Judges who also did “solemnly swear to support and defend the Constitution of the United States” failed in their solemn oath by allowing the **unConstitutional** procedures to remain in place. This failure of the Judiciary occurred in State and Federal Courts including the Supreme Court of the United States. Actions and decisions that failed to support and defend the Constitution but always with legalistic sounding reasons; plaintiffs, including States, have no standing, plaintiffs named the wrong defendant, the Court has no jurisdiction, it is a matter to be decided by State Courts, it is a matter to be decided by Federal Courts. In many cases the Courts refused to even consider the undisputed evidence and the Judicial non support and non defense of the Constitution was and is a violation of their solemn oath.

Many in the media and government claim these actions had no significant impact on the election. If those enemies of the Constitution, who implemented and used these unConstitutional procedures did not believe they would have significant impact why make the unConstitutional changes? Whether those **unConstitutional** actions had a significant impact or any impact on the election is **NOT THE ISSUE**. The fact that our Constitution was openly and flagrantly violated by State and Federal officials sworn to support and defend the Constitution is the issue. I wonder what

violation of the Constitution of the United States is not significant? I find no conditions about the significance of the impact of an unConstitutional action in the oath of office.

However, there are a number of Congresspersons and Senators who believe any violation of the Constitution is significant and announced they would support and defend the Constitution of the United States by objecting on January 6th to the electors of those States based on the undisputed evidence that those State elections were not conducted in compliance with the Constitution. They defended the Constitution as promised and called for investigation into the several documented **unConstitutional** actions undertaken by various officials who changed State election laws in violation of the U.S. Constitution. These staunch defenders of the Constitution were immediately deemed to be unpatriotic, out of touch, foolish, incoherent, uneducated, mindless, unhinged, and tyrannical. Never mind they were only doing what several Congresspersons, including Speaker of the House, Nancy Pelosi, have done after recent Presidential elections by challenging the electors from some States.

Those few Congresspersons and Senators who fulfilled their Congressional Oath to support and defend the Constitution have been vilified in the extreme by the media and by some of their fellow members and actually accused of “violating the Constitution.” The media and those elected officials “Constitutional” worlds are most certainly uninformed and upside down. Instead, those few patriotic Congresspersons and Senators are to be appreciated for their support and defense of the Constitution with an expression of our sincere thanks and I will express my support and thanks to each of them as I learn their names and I just found a complete list in an Epoch Times sample I received. Should these officials who failed their solemn oath, who yielded to enemies of the Constitution and who did not support and defend our “We the People” Constitution be recalled, re-elected or voted out of office? I know what I will do but leave the question to each of you.

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<http://citizensalliance.org>

Co-management at Mille Lacs

by Doug Meyenburg – MN

The following are the primary issues Proper Economic Resource Management (PERM) is addressing on behalf of the sportsmen of Minnesota.

DNR’s co-managing Mille Lacs without a plan. Neither the DNR nor tribal governments currently agree on a long-range plan for Mille Lacs. The DNR has a draft. They just can’t get a tribal review of it. They had a plan once but it expired. It was the notorious, secretly negotiated, three-year “consensus agreement” from four years ago. That plan was possible because the DNR was busy making amends for a paltry 6,000-pound overage instead of negotiating.

The DNR keeps showing all its cards without knowing what the tribe’s goals are. Then they meet with the tribal side behind closed doors. Shouldn’t the Mille Lacs Fishing Advisory Committee (MLFAC) or other representatives be attending those meetings as well? If the DNR is dealing with self-proclaimed sovereign entities, shouldn’t the legislature be involved? (Even beyond the four legislators designated by law – who mostly haven’t been showing up.)

One-sided “co-managing” discriminates against non-tribal anglers. Remember, the DNR is responsible to ALL citizens when managing our natural resources.

DNR approach to conservation discriminates. Fishing: Actual Mille Lacs open water walleye harvest (taking something home) has been off-limits for four years (with one 20-day exception). Otherwise, it’s catch and release. Sometimes it’s not even that.

Overlapping (State and Tribal) property rights disrupts conservation of natural resources. Instead of everyone hunting and fishing under the same rules, the DNR limits access of non-tribal citizens. Their methods are both direct – no harvest, and indirect – complex regulations based on “studies.” (But a tribal member, for example, can keep 10 walleyes a day with no size limit.)

Hunting: The DNR has the same approach for hunting. For example, after the moose population collapsed by 70% from 2006 to 2013, the DNR briefly opposed a Fond du Lac band moose hunt in 2013. But then dropped the issue. In 2019, the band gave themselves 24 moose hunt permits. Last fall, it was 30. Although there were discussions, the DNR decided not to object to the hunts. They wanted to buy time

for future talks on quotas. Non-band hunters were out of luck. No discussions – or hunts – since 2012.

Discrimination even extends beyond conservation: When COVID hit us, Gov. Walz’s first stay-at-home order included an exception for tribal fishing. It even included Wisconsin 1837 Treaty tribes coming to Minnesota.

Governor Walz takes sides. Governor Walz made a very public show of support for Mille Lacs Band interests in the midst of a tribal lawsuit against Minnesota citizens. It’s the latest chapter in attempting to get acceptance of the baseless claim that the Mille Lacs Reservation still exists.

Gov. Walz chose to be keynote speaker for the “State of the Band Address” at Mille Lacs Grand Casino. This came after months of ignoring the County’s many requests for meeting over boundary issues. He very publicly showed favoritism and catering to special interests.

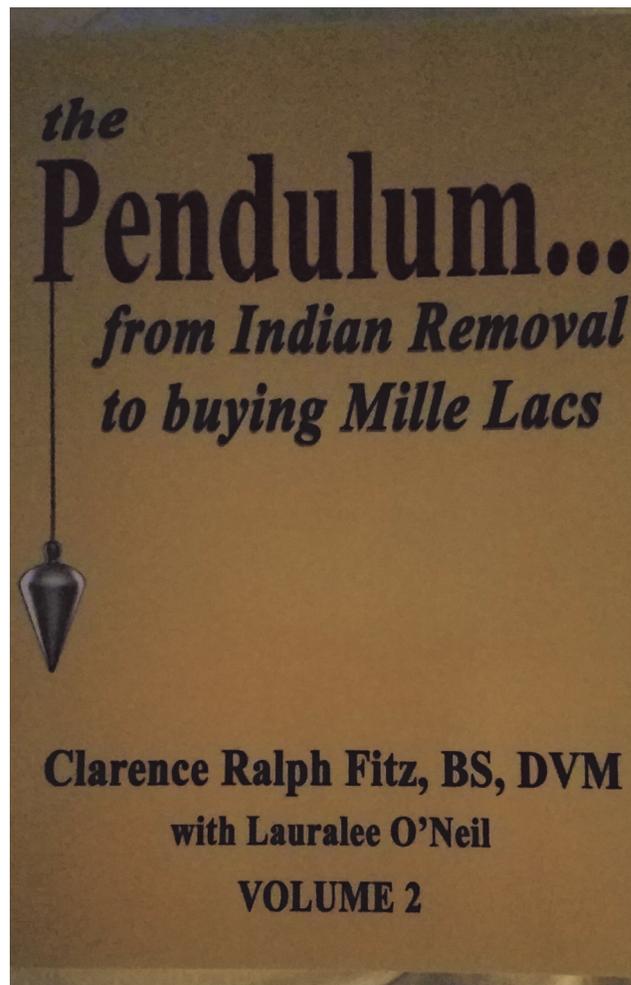
Gov. Walz also supported Attorney General Keith Ellison’s filing an opinion in court backing tribal claims that the long-disestablished 61,000-acre Mille Lacs reservation still exists. This reverses over 100 years of court rulings and State dismissing such claims.

Again, neither AG Ellison nor Gov. Walz ever consulted Mille Lacs County or it’s cities! They ignored residents who could have had their property reclassified as Indian country. And then face all the tribal laws, which that involves. It would also expand discriminatory “co-management” over another 56,000 acres regulating the harvest of fish and game based on race.

The Governor chose a group he doesn’t govern over citizens whom he does govern. That goes beyond discrimination.

1855 Treaty Harvest Rights Claims. The MN Supreme Court has refused to hear the 1855 treaty ceded territory case. An appeal to a federal court by the White Earth Band is still expected. A ruling for the tribe’s non-existent harvest rights would bring DNR “co-management” to a huge part of northern Minnesota and many of the State’s best fishing lakes. It would add another tribe’s harvest rights claim on Mille Lacs creating far more problems than the 1837 Treaty case.

(continued on pg. 5)



NOW AVAILABLE

This narrative starts with Andrew Jackson before the 13 original colonies had declared independence from Great Britain, continues through Jackson’s brilliant military career and through his becoming the 7th president of the United States. It continues through his promotion of the Indian Removal Act and the tumultuous Trail of Tears.

The book then skips over the period covered in the book, *and the Mille Lacs who have no Reservation* by this same author, and examines the lives of the principal actors who were responsible for the Indian Reorganization Act and the Indian New Deal in the FDR administration. It then delves into the passage of and the effects of the Indian Reorganization Act on Indian tribes across the country but specifically on the band of Chippewa who no longer had a reservation on the south shore of Mille Lacs Lake in central Minnesota but who refused to remove as they had agreed to do, and explains how an area was purchased with taxpayer money for these homeless Mille Lacs Indians.

Available from [Amazon.com](https://www.amazon.com)

(continued from pg. 4)

The tribe also claims treaty harvest rights include property rights! If this claim is ever affirmed by a federal court, state and local governments will have to get tribal sign-offs on property use issues including mining, pipeline, air and water quality.

Mille Lacs Fishery Advisory Committee. MLFAC members deserve and could use citizen support for their often thankless and sidelined efforts to help the DNR’s political bureaucracy make Mille Lacs “co-management” work. According to the DNR, “Members of the public may observe MLFAC meetings.” They even get fifteen minutes “reserved for public comments and questions.”

That’s looking like a hollow promise. DNR’s public notice is becoming an afterthought. Last minute notice, virtual (ZOOM) meeting registration, and lack of DNR reporting all ward off public input and awareness.

Amendment I

Ratified effective December 15, 1791

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment X

Ratified effective December 15, 1791

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

With deep sorrow



With deep sorrow the CERA Board members mourn the passing on December 16th of our Vice Chairman, Jerry A. Titus and his lovely wife, Elizabeth G. Titus who also passed away on December 19th. Jerry and Liz were a remarkable example of devotion to each other, their family, their faith, their community and Country.

For twenty years Jerry served as a vital member of CERA, always accompanied and supported by his wife, Liz.

By their daily examples of patriotism and love of country they overcame hardships inflicted upon them by the federal government. They touched the lives of thousands of fellow Americans, added great pride and hope for our country’s values and future. Our hearts and prayers go out to their surviving son and daughter.

We will very much miss their warmth, courage, generosity of spirit and companionship to all of us.

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