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**Senator Barrasso:
307 Dirksen Senate Office Building
Washington, DC 20510**

**2120 Capitol Avenue
Suite 2013
Cheyenne, WY., 82001**

Subject: The “Interior Improvement Act”

Senator Barrasso, as U.S. Citizens who have been seriously impacted by the Department of Interior’s questionable misadministration of the fee to trust process we find your proposed legislation to “Improve Interior” surprising and disturbing.

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How this bill would improve the Department of Interior’s administration of the fee to trust process is unclear. As written, your proposed bill provides Congressional cover and approval for the Department’s decades long misguided and wrong interpretation of Section 19 of the IRA while facilitating a continuance of the Department’s questionable administration of fee to trust for tribes not recognized or under federal jurisdiction in 1934 despite the Supreme Court’s 2009 Carcieri decision.

This proposed bill is a serious concern to those now in Federal Court challenging the Department’s unlawful administration of fee to trust. Challenges seeking judicial review based on the Supreme Court’s plain reading of Section 19 in Carcieri would simply vanish if this bill becomes law. Challenges costing tens of thousands of dollars that have taken years to get to Federal Court just wiped away with no judicial review as a result of your proposed Interior Improvement Act.

The language proposed is “ex post facto” in nature as it changes the law as written and intended by the Congress in 1934 and would certainly be injurious to citizens who have relied on the plain language of Section 19 as determined by the Supreme Court in Carcieri to challenge post Carcieri fee to trust decisions by the Department to take land into trust for tribes that were neither recognized or under federal jurisdiction in 1934.

With the Supreme Court’s clearly stated dismissal of any Chevron deference to the Department and the Secretary in the Carcieri decision, no authority as proposed in this legislation should be afforded to the Department in its administration of fee to trust. Since 2009 the Department has ignored the Carcieri decision and “fixing” it administratively as committed to the tribes by Department officials during a series of regional forums the Department held exclusively with tribal members post Carcieri in Sacramento, CA., Minneapolis, MN., and Washington D.C..

Does the Congress pursuant to the U. S. Constitution have authority to take privately owned State lands into trust for Indians, Indian tribes, or any other entity? If such authority for the Congress is present in the U. S. Constitution please provide Article and Section from the

Supreme Law of the United States providing such authority to the Congress in any response from you or your office.

Based on experience with the Department's administration of fee to trust it is difficult to see how this proposed legislation will improve Interior. It will, instead, expand the Department's ability to misconstrue the IRA, to unlawfully administer fee to trust, and will facilitate the cover up of the malfeasance and corruption past and present in the Department's administration of fee to trust. Consequently, it will exempt that malfeasance and corruption from judicial review in current Federal Court cases with your proposed change of the Section 19 language.

Before attempting to provide much needed improvement to Interior you should inquire as to how Interior could approve in accordance with current law and regulations a gaming related fee to trust application for the Ione Band in 2012 when the Ione Band was neither recognized or under federal jurisdiction in 1934 as documented by the Department of Interior in Federal District Court in 1992. A group recognized for the first time via a 1994 Department memo. A challenge to this unlawful decision is currently in the Federal District Court in Sacramento.

This legislation is simply not needed and will not improve Interior. What is needed is an immediate Congressional investigation into the Department's flawed, corrupt, and unlawful administration of fee to trust. This investigation should include a thorough review of all Inspector General and Government Accounting Office investigations and reports related to fee to trust. Further, panels of citizens such as CERA members should be included on any panels testifying before the investigating committee about how the Department actually administers the fee to trust process.

Lastly, this proposed legislation should be withdrawn until such time as the above recommended investigation is initiated and completed. It is our belief that after hearing from the public in the investigation the proposed legislation will not be needed. What will be needed is serious reform of the archaic, corrupt, and mismanaged agencies of the Department of Interior that have anything to do with fee to trust to include the Bureau of Indian Affairs, the Office of Indian Gaming, the Environmental Protection Agency, and National Indian Gaming Commission.

Your Prompt Attention & Response Are Respectfully Requested,

Judith S. Bachmann, C.E.R.A. Chair

D.W. "Butch" Cranford, C.E.R.A. Vice Chair

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CC: U.S. Dept. of Justice, Atty., General Lynch
U.S. Senator McConnell