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Federal District Court declares:

“The Location of the Reservation Boundary Remains Unresolved”

On Thursday, February 12, 2015, Federal Judge John J. Tuchi issued an Order in *French v. Starr*, CV-13-02153-PHX-JJT, finding that the CRIT tribal court had jurisdiction over Plaintiff French, while conceding that the CRIT western boundary is still in dispute and the disputed area “*may or may not be within the boundaries of the Reservation*”, and “*it is not clear*” that the disputed area is part of the reservation. Simultaneously, the Judge denied the State of California’s Amicus Curiae submitted in support of Plaintiff French.

This ruling once again clearly shows that in spite of CRIT’s claims to the contrary, the 1969 Secretarial Order did not resolve the Reservation’s western boundary dispute.

Most outrageous in the ruling was the Court’s deliberate omission of Public Law 88-302, the congressional statute (federal law) denying CRIT jurisdiction in the disputed area, which was cited by French repeatedly. Instead, the Court relied upon the *Water Wheel* decision based upon the Tribes inherent authority to exclude. However the ruling provided no such legal basis for the Tribes’ authority while simultaneously acknowledging the land may not be located within the Reservation. This leap of faith conclusion was noted with “*the Court agrees that such an exercise of a tribe’s inherent authority may exceed that contemplated in Water Wheel*”. The Amicus submitted by California Attorney General Kamala Harris, rejected by Judge Tuchi, was particularly critical of applying the *Water Wheel* ruling to either this case or to California’s rights.

The Court’s ruling of tribal jurisdiction over French utilized the doctrine of estoppel to disallow French’s evidence of the existing boundary dispute and Public Law 88-302. The doctrine of estoppel (from Wikipedia) “precludes “a person from denying, or asserting anything to the contrary of that which has been established as the truth””. The “truth” here is that the disputed area is within the boundaries of the Colorado River Indian Reservation. But the Court itself has already found a dispute existing that negates that “truth”. So in the twisted logic of the ruling, the Court can find a dispute existing, but French is estopped from making the same claim as the Court’s findings, and therefore CRIT has jurisdiction over him.

Judge Tuchi, an Obama appointee, not only disallowed French’s evidence, he sidestepped federal Indian law on tribal jurisdiction over non-Indians (*Montana* and its progeny), ignored California’s brief, and instead justified his ruling based on Indian favoritism:

“the equitable considerations --- most notably, the policy of promoting tribal self-government and the development of tribal courts, the recognition of a tribe’s inherent authority to exclude, and the recognition of the government’s role as trustee of reservation land on behalf of the tribes – weight in favor of the Tribal Court’s application of the doctrine of estoppel to determine its jurisdiction in this matter.”

French plans to challenge the district court’s ruling on tribal jurisdiction with the Ninth Circuit Court of Appeals.