

West Bank Homeowners Association

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September 10, 2014

Honorable Edmund G. Brown
Governor of California
c/o Joe Dhillon
State Capitol, Office of the Governor
Sacramento, CA 95814

**RE: *Arizona v. California*
Collateral Attack by U.S. DoJ
Amicus Curiae Filed
French v. Starr, et al
Request for Assistance**

Dear Governor Brown:

The West Bank Homeowners Association (WBHA) hereby requests that you direct the California Attorney General to respond to an amicus curiae filed by the U.S. Department of Justice (DoJ) in the U.S. District Court, Arizona District, that directly challenges California's position before the U.S. Supreme Court in *Arizona v. California* 376 U.S. 340 [*Arizona I*], 460 U.S. 605, 636 (1983) [*Arizona II*], and 493 U.S. 886 (1989) [*Arizona III*]. Although the current case, *French v. Starr, et al*, involves the eviction of my family from property within the disputed area and damages related, the far reaching implications are not only to the California citizens within the 17-mile disputed area, but to California's rights in accordance within its pleadings before the U.S. Supreme Court, California's future water rights, and California's ability to assert its legal right to challenge the Colorado River Indian Tribes (CRIT) reservation western boundary in accordance with the terms of the Stipulation and Agreement in the *Arizona* litigation.

It is clear that the DoJ amicus brief presents a collateral attack upon the State of California by claiming that there is no dispute over the CRIT's western boundary, the 1969 Secretarial Order provided a final determination of that boundary, and neither French, nor anyone else can challenge the Secretarial Order. These assertions are made irrespective of the clear language within the Stipulation and Agreement previously signed by the DoJ:

C. Disputed Boundary. The parties agree not to seek adjudication in this phase of the litigation of the validity, correctness, or propriety of the January 17, 1969 Order of the Secretary of the Interior Western boundary of the Colorado River Indian Reservation.... The United States and the Tribes, but not the other parties to this Stipulation and Agreement, agree that the lands described in the 1969 Secretarial Order, are included within the Reservation... The State of California disagrees, and expressly reserves the right to challenge the validity, correctness, and propriety of the 1969 Secretarial Order.

It is our hope that you will recognize the far-reaching implications of the claims made by the amicus brief, and the real threat to California if this type of assault by the DoJ is left unchallenged. I am now and have been for the past 2 years faced with the daunting task of representing the interests of our membership without the benefit of counsel. I cannot fight California's fight against the unlimited resources of the federal government alone. I need your assistance. To that end, I humbly request that the California Attorney General prepare a response to this attack by indicating to the Court that California retains her position that the CRIT reservation western boundary in the disputed area is riparian in nature, as has been the consistent position of the State for the last fifty years. Furthermore, the State of California also has concluded that the 1969 Secretarial Order has not provided a final determination of the western boundary, and still retains her right to challenge that Secretarial Order.

To allow your office to fully understand the current case, I have enclosed copies of selected briefs and documents filed with the court. As indicated within the briefs, the argument made against tribal jurisdiction mirrors those already made by the State of California in the *Arizona* trilogy. What may be of special interest to the Governor's office is the characterization of California's position by the CRIT Tribal Appellate Court, and in fact the direct ridicule of California in general. Although there are many who lobby your office for recognition of tribal courts as appropriate for cases involving non-members, it is clear from my experience that tribal courts do not, and cannot provide impartiality, the cornerstone of due process.

Although the federal government has a responsibility to Indians as trustee, it has an obligation to avoid infringing upon the rights of other American citizens in the process, especially their property rights. Here the DoJ seems intent on skewering me, a single individual, to not only benefit a casino rich Indian tribe, but to also avoid the consequences of their irresponsible actions in *Arizona* by refusing to consider the sound reasoning of two Special Masters who ruled in California's favor. With the filing of this amicus curiae, it appears that the DoJ now has the State of California in its sights for skewering, or more succinctly, removing her water rights by imposing its authority in spite of previous litigation and agreement.

For my benefit, the benefit of all the West Bank membership, and indeed the benefit of all California citizens, I hope that the Governor will address this collateral attack by the DoJ with a filing of an appropriate response.

Respectfully,

A handwritten signature in blue ink, appearing to read "Roger L. French", written in a cursive style.

Roger L. French, President

cc: Attorney General Kamala D. Harris
Deputy Attorney General Bill Williams
Stand Up for California
File