

West Bank Homeowners Association

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November 1, 2011

The Honorable Mary Bono Mack
U.S. House of Representatives
Washington, D.C. 20515

RE: Colorado River Disputed Area
Your letter of July 25, 2011
Boundary Question

Dear Congresswoman Bono Mack:

Please reference enclosed a copy of your letter of July 25, 2011, email dialog between myself and your Chief of Staff, Frank Cullen Jr., my letter of May 30, 2011, and the West Bank Homeowners Association (WBHA) letter of May 12, 2011. In your last correspondence of July 25, 2011, you stated that you are working "with both parties to reach amicable resolutions ...". This same indication was conveyed by Mr. Cullen in our meeting at your office on March 25, 2011. At that time, I expanded on information previously sent to your office describing the position of the State of California in *AZ v CA* regarding the *Aranson* estoppel effect (enclosed), and Special Master McGarr's Orders 14 and 19 (1993 and 1996) finding that the CRIT western boundary was riparian consistent with the position of the State of California. I further explained that continued inaction by our Congresswoman would lead to dire consequences for our association members as the Colorado River Indian Tribes (CRIT) was attempting to force residents to yield their constitutional rights by signing new leases, or alternatively, surrender their properties. Many residents have already been forced by CRIT to vacate.

I further explained to Mr. Cullen that the WBHA had previously engaged 2 federal judges in attempts to negotiate with CRIT for an "amicable" arrangement for members to maintain possession of the properties. Both of the those efforts failed because CRIT refused to 1) provide long term leases, 2) include a dispute resolution process that waived their sovereign immunity, and 3) allow residents to maintain their constitutional rights. Mr. Cullen responded that our requests were reasonable and that your staff would attempt to succeed where the federal judges had failed. Instead, we find from his subsequent email messages that our Congresswoman has chosen to defer to the Department of the Interior rather than represent her constituents. As I have reminded you on several occasions, Congress alone determines Indian reservation boundaries; not the Trustee for Indians, the DoI. As such, it is your duty as our Congressional representative to seek to provide a Congressional clarification or resolution of this dispute.

Since our meeting in March, Mr. Cullen has expressed that you would provide the WBHA a response indicating how you intend to proceed with the disputed area difficulties and with CRIT in particular. It is now November and still no response from you. We are extremely disappointed by your inaction over the last 8 months.

Recognizing that you have refused to commit to a course of action in spite of your language otherwise, we have a single simpler request in lieu of a response to our requests for assistance. The WBHA has been involved in (6) court cases involving the dispute. As you might expect, legal fees are a tremendous burden for the residents. Before we expend any further financial resources in the courts, we respectfully request from you an answer to this very simple question:

Does Congress consider the CRIT reservation western boundary a fixed line in the north, and a riparian boundary in the south?

The U.S. has taken this hypocritical position within its arguments presented in *AZ v CA*, and alternatively in *U.S. v Aranson*. The State of California noted that since the U.S. and CRIT prevailed in *Aranson* based on a riparian interpretation of the western boundary, the U.S. was estopped from arguing the exact opposite interpretation in *AZ v CA III*. After a full trial before the U.S. Supreme Court, Special Master Frank McGarr recognized this contradiction in his many reasons for ruling for the State of California and against the U.S. (see McGarr Opinion 14 and 19 sent previously)

The courts can interpret Congressional intent, but it is Congress alone that has the authority to determine Indian reservation boundaries. Not the Dept of Interior. Not the Dept of Justice. Congress. And as our Congressional representative in the U.S. Congress, you have a duty to communicate to your constituents the nature of that boundary, or at least provide an answer so that your constituents can make an informed decision about whether to spend another dime on these never-ending court battles. Since you and your staff over the past 10 years have been provided ample documentation regarding the boundary dispute, and even granted an audience for other related parties affected by CRIT hostilities, we would expect that you should be able to provide us with a prompt response to our “simpler” request for an answer to this simple question.

We would appreciate a response at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger L. French". The signature is fluid and cursive, with a large initial "R" and "F".

Roger L French, President

cc w/o Att: Frank Cullen Jr., Chief of Staff
Cheryl Schmit, Stand Up for California
Toni Hawley, Blythe Boat Club
Lloyd Fields, Morongo Tribe Land Grab
Jerry Uecker, Save Our Communities
Kamala D. Harris, California Attorney General