

West Bank Homeowners Association

P. O. Box 970 Blythe, California 92226

TEL: (760) 921-3339

email: westbank@cox.net

August 27, 2012

PRESS RELEASE – CRIT Tribal Appellate Court Hears Oral Arguments in *CRIT v French*

The CRIT Appellate Court heard oral arguments on August 24, 2012 on eviction and damages rulings issued by the CRIT Tribal Court in September and December 2011 respectively. Comprehensive Opening and Rebuttal Briefs were filed with the Appellate Court. The Court consisted of three justices as were previous cases *CRIT v Water Wheel Resort*, and *CRIT v. Blythe Boat Club*.

The appeal presented four fundamental issues to the Appellate Court. The first was whether the CRIT Bill of Rights can be applied against the CRIT government and whether the Court would uphold those rights; second, whether CRIT has jurisdiction over French; third, whether the land in question is indeed on the CRIT reservation; and four, whether damages against French should be reversed or modified.

Since CRIT has fully adopted the U.S. Constitution in its own constitution, all who come before its courts are therefore entitled to due process and equal protection in accordance with the U.S. Constitution. CRIT however, maintains the absurd position that the CRIT Bill of Rights cannot be applied against the CRIT government and therefore parties before the court are not entitled to due process and equal protection. French has contested the CRIT one-way attorney fee provision law as a clear violation of equal protection and the CRIT constitution.

Relying upon irrefutable evidence from the AZ v CA 1999 Settlement Agreement signed by CRIT, the CRIT Attorney General's 2009 analysis sent to the Governor of California admitting and describing the western boundary dispute, and CRIT Tribal Council Chairman Enas admission of the boundary dispute, French explained to the Court that PL88-302 denied the Secretary of the Interior authority to issue leases in the disputed area because the boundary dispute has never been resolved. And since PL88-302 has been incorporated into the CRIT Constitution, his Permit (lease) and all such permits are void. And since the Permit was void, CRIT has no jurisdiction based on the Permit.

French challenged the Tribal Court's reliance on estoppel to prevent a consideration of the illegality of the Secretary's participation in the Permit. The challenge included citations to rulings of law where estoppel cannot be applied where 1) there was fraud as to title 2) a contract was void, and (3) a Declaratory Relief action is included with an eviction. Also, according to California law, the Court must interpret the language of a contract most strongly against the party who caused the uncertainty or mistake. In this case it is CRIT who knew that the boundary dispute was unresolved when the Permit was issued.

Conclusive evidence was submitted to the Appellate court that the subject land is not on the reservation. Arguments presented to the U.S. Supreme Court in AZ v CA by the State of California were introduced into evidence along with conclusions by U.S. Supreme Court Special Master McGarr that the western boundary of the CRIT reservation is a riparian boundary. Additional supporting evidence regarding CRIT's participation in *Aranson* was presented in the

Holt Report, which reaffirmed a riparian boundary by CRIT's subsequent success in recovery of some 1900 acres of land lost to an avulsive act in 1920.

Damages award by the Tribal Court included a rental value described as "at any price [CRIT] desires". French reminded the Appellate Court that according to its own criteria in *Water Wheel*, the damages must be based on "fair rental value", not whatever CRIT desires. French also demanded that any interest charged must be based on federal standards, and not interest for late rental payments in a permit that was terminated 14 years ago.

During the oral hearing, it was obvious that the judges had not read French's briefs, and that they had no interest in hearing any of his evidence, including the Tribes own admissions. Rather than allow French to present the arguments, the judges took it upon themselves to interrupt and interject irrelevant hypothetical scenarios to avoid listening to facts that they wished remain silent. The judges scoffed at the notion that the U.S. Supreme Court should be provided any deference in the boundary determination. They even suggested that the boundary position asserted by the State of California was similar to arguing that the earth was flat.

Once a ruling is issued the case will be appealed to the U.S. Federal District Court which will hopefully provide some semblance of impartiality and constitutional standards.