

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE E. AVERY CARY, JUDGE PRESIDING

RECEIVED  
JUN 11 1975  
M.T.H. & C.

HAVASU LANDING, INC., et al., )

Plaintiffs. )

vs. )

ROGERS C. B. MORTON, et al., )

Defendants. )

NO. CV 74-3505-EC

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Place: Los Angeles, California

Date: Monday, June 9, 1975

COURT'S RULING

Virginia K. Wright  
Official Reporter  
470-K U. S. Courthouse  
317 North Spring Street  
Los Angeles, California 90012  
Telephone: 621-4041

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APPEARANCES:

For the Plaintiffs:

RICHARD A. MURPHY  
RICHARD C. LEONARD  
2404 Wilshire Boulevard - Suite 400  
Los Angeles, California 90047

For the Defendant  
Rogers C. B. Morton,  
Secretary of the  
Interior:

WILLIAM D. KELLER  
United States Attorney  
By: HUSTON T. CARLYLE, JR.  
Assistant U. S. Attorney  
1109 U. S. Courthouse  
312 North Spring Street  
Los Angeles, California 90017

For the Defendant  
The Chemehuevi Tribe  
of Indians:

CHARLES B. ROSENBERG  
609 South Grand Avenue  
Los Angeles, California 90017

1 THE COURT: Well, I think I have heard enough of  
2 the argument. I've been concerned about it, particularly  
3 Count 1, with respect to the affect of the Apache case. I'  
4 inclined to the conclusion that the Apache v. Jones decisio  
5 is not sufficiently in point to place the transfer of  
6 terost to the tribe within Section 465, and so as a result  
7 that I conclude that we do have here a transfer of United  
8 States property without the approval of Congress and that  
9 Article 4 of Clause 3 of the Constitution is violated. Tha  
10 Apache case gives me some real problems, and the Court of  
11 Appeals may conclude that the pricipal voice there control  
12 I also have the Government's theory that the prop  
13 erty was obtained for the Parker Dam and that the intention  
14 was at all times that anything that wasn't used would go bac  
15 to the Indians ad they at all times had the intent to recove  
16 the beneficial interest which was taken and which was paid  
17 for in 1941, I believe, but which wasn't done for many years  
18 now has been accomplished. I have that theory in mind as  
19 well.

20 So I grant the motion for reconsideration of Count  
21 1 and conclude that the matter, to my judgment, is very close  
22 and I'm going to put the burden on the Government to either  
23 get approval or take the matter up on appeal. I would be  
24 willing to certify it under, I think it is 1292, if the Govern  
25 ment is interested.

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As to Counts 2 and 4, the motion for reconsideration is denied.

Case No. 74-3565-EC

Date June 9, 1975

Title Havasu Landing Inc., et al -v- Rogers C.B. Morton, et al

DOCKET ENTRY

PRESENT:

HON. E. AVERY CRARY JUDGE

P. Smith  
Deputy Clerk

V. Wright  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

R. Leonard  
R. Murphy

ATTORNEYS PRESENT FOR DEFENDANTS:

H. Carlyle, AUSA  
C. Rosenberg

PROCEEDINGS: PLAINTIFF'S MOTION FOR RECONSIDERATION

Court concludes that there was a transfer of property without approval of Congress and makes other comments on ruling.

Court order motion granted as to Count 1.

Court orders motion denied as to Counts 2 & 4.

Plaintiff to prepare order.

Court orders Pre-Trial Conference off calendar.