Colorado River Indian Reservation

Western Boundary Dispute

Prepared by

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COLORADO RIVER INDIAN RESERVATION BOUNDARY DISPUTE

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INTRODUCTION

The dispute over the Western Boundary of the Colorado River Indian Reservation has spanned over 4 decades, has been reviewed by the U.S. Supreme Court in 4 separate cases, has led to the suppression of rights for hundreds of families, and involved a branch of the federal government that has not only abused it's power for the length of this saga, but has used reprehensible means to benefit an Indian Tribe over their non-Indian neighbors across the Colorado River in California.

The dispute formally began on January 17, 1969. On that date, Secretary of the Interior Stewart L. Udall issued an order purporting to change the location and nature of a portion of the western boundary of the reservation. The order effectively extended the reservation boundary to include approximately 17 miles of riverfront land in California, taking in approximately 3400 acres. The order essentially defied the will of Congress (PL88-302), ignored an earlier Supreme Court ruling (*Arizona I*), and willfully ignored interested parties (State of California, Metropolitan Water District of Southern California, Coachella Valley Water District, and others). To this day, in spite of subsequent Supreme Court findings that "ex-parte secretarial determinations of the boundary issues" would not constitute "final determinations", the U.S. Dept of the Interior steadfastly holds to the '69 Secretarial Order, thereby allowing the Colorado River Indian Tribes (CRIT) to claim jurisdiction over the non-Indian residents.

EARLY HISTORY OF THE RESERVATION

Congress created the Colorado River Indian Reservation in 1865 (Act of March 3, 1865, ch. 127, 13 stat. 541,559). In the Act, Congress set apart certain lands along the east bank of the Colorado River within what was then the territory of Arizona. The boundaries of the Reservation were modified or redefined by executive orders issued on November 22, 1873; November 16, 1874; May 15, 1876; and November 22, 1915.

Lands in California were first added to the Reservation by the Executive Order of 1874. This order enlarging the Reservation was prompted by Reservation Indian Agent J.A. Tonner. Tonner recommended the extension across the river into California, due to concerns about "encroachments' on the Reservation by (1) "worthless whites and Mexicans,", (2) "transfers of land by change of channel in the Colorado River," and (3)"avoiding future trouble by including all arable land in the vicinity of the reservation" within its boundaries.

The Commissioner of Indian Affairs and the Secretary of the Interior concurred with Agent Tonner's proposal and recommended that President Grant issue the requested executive Order, which he did on November 16, 1874. The proposal to President Grant included a sketch and boundary definitions by Tonner, which were incorporated into the language of the Executive Order.

A survey of the Colorado River Indian Reservation after it had been enlarged by the 1874 Executive Order was conducted in 1875. That survey showed that Tonner's sketch of the proposed new boundaries included landmarks that were substantially mislocated. The error had the unintended consequence of actually cutting back across the east bank of the River, leaving a substantial block of land in Arizona between the new Reservation boundary and the Colorado River to the west.

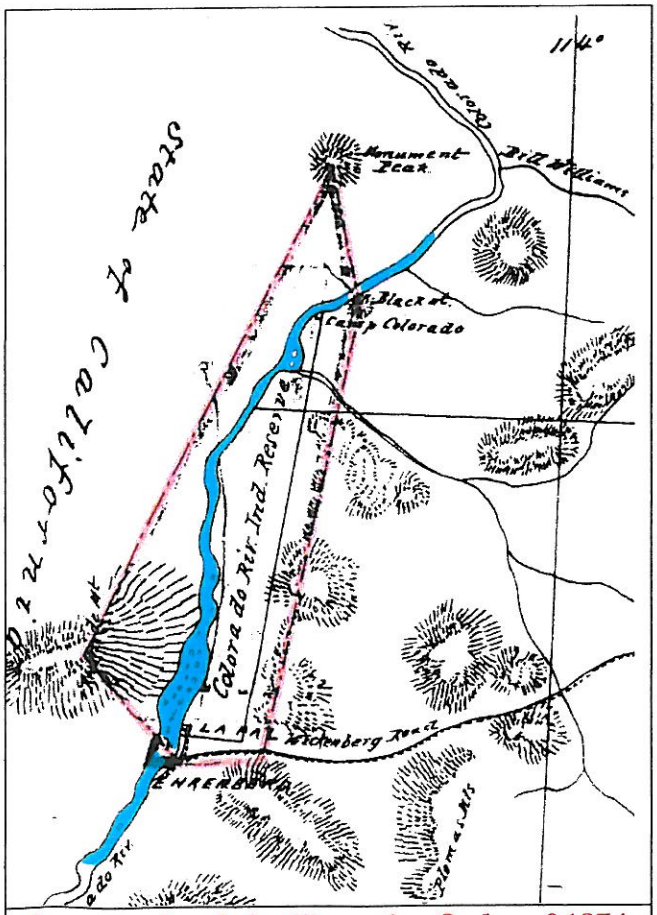
Executive Order of 1874

EXECUTIVE MANSION, *November 16, 1874.*

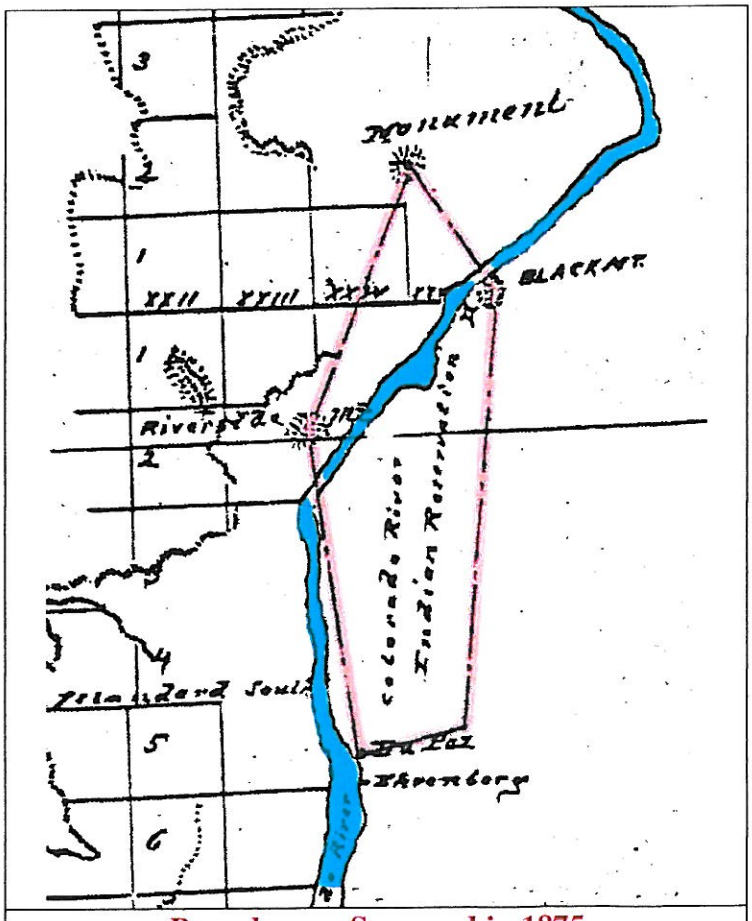
It is hereby ordered that a tract of country embraced within the following-described boundaries, which covers and adds to the present reservation, as set apart by act of Congress approved March 3, 1865 (Stat. L., vol. 13, p. 559), and enlarged by Executive order dated November 22, 1873, viz:

Beginning at a point where the La Paz Arroyo enters the Colorado River, 4 miles above Ehrenberg; thence easterly with said arroyo to a point south of the crest of La Paz Mountain; thence with said crest of mountain in a northerly direction to the top of Black Mountain; thence in a northwesterly direction across the Colorado River to the top of Monument Peak, in the State of California; thence southwesterly in a straight line to the top of Riverside Mountain, California; thence in a southeasterly direction to the point of beginning, be, and the same is hereby, withdrawn from sale and set apart as the reservation for the Indians of the Colorado River and its tributaries.

U. S. GRANT.



Tonner's sketch for Executive Order of 1874



Boundary as Surveyed in 1875

Once the error was discovered, the Commissioner of Indian Affairs requested a new Executive Order that established the Colorado River as the western boundary. The result was the Executive Order of 1876. With one exception, the order repeated verbatim the 1874 Order's description of the Reservation boundaries. The change was that the direct line from Riverside Mountain to the La Paz Arroyo now stopped when it reached the "west bank of the Colorado River" and the remainder of the western boundary was described as the "west bank" down the river to the Arroyo.

The Four Reservations Act

While the Reservation Boundary was being expanded into California with the Executive Orders of 1874 and 1876, neither President Grant nor the Secretary of the Interior apparently realized that Congress had passed an act in 1864 which **prohibited the reservation expansion into California**. The California River Reservation Act of April 8, 1864, 13 Stat. 39 (also know as the "**Four Reservations Act**") specifically provided that not more than four Indian reservations could be established within the Sate of California:

> "SEC. 2. *And be if further enacted,* That there shall be set apart by the President, and at his discretion, not exceeding four tracts of land, within the limits of said state, to be retained by the United States for the purposes of Indian reservations, which…"

That the 1864 Act established a federal statuary limitation of four reservations within California was unequivocally confirmed by the United States Supreme Court in the case of *Mattz v. Arnett,* 412 U.S. 481,489 (1973). Although 2 exceptions to the Four Reservations Act were authorized by Congress, neither exception applies to the Colorado River Indian Tribes (CRIT). However, the U.S. has made claims that the CRIT reservation is excepted by Public Law 88-302 Section 2, which includes the Executive Orders in the definition of the reservation.

Executive Order of 1876

EXECUTIVE MANSION, *May 15, 1876.*

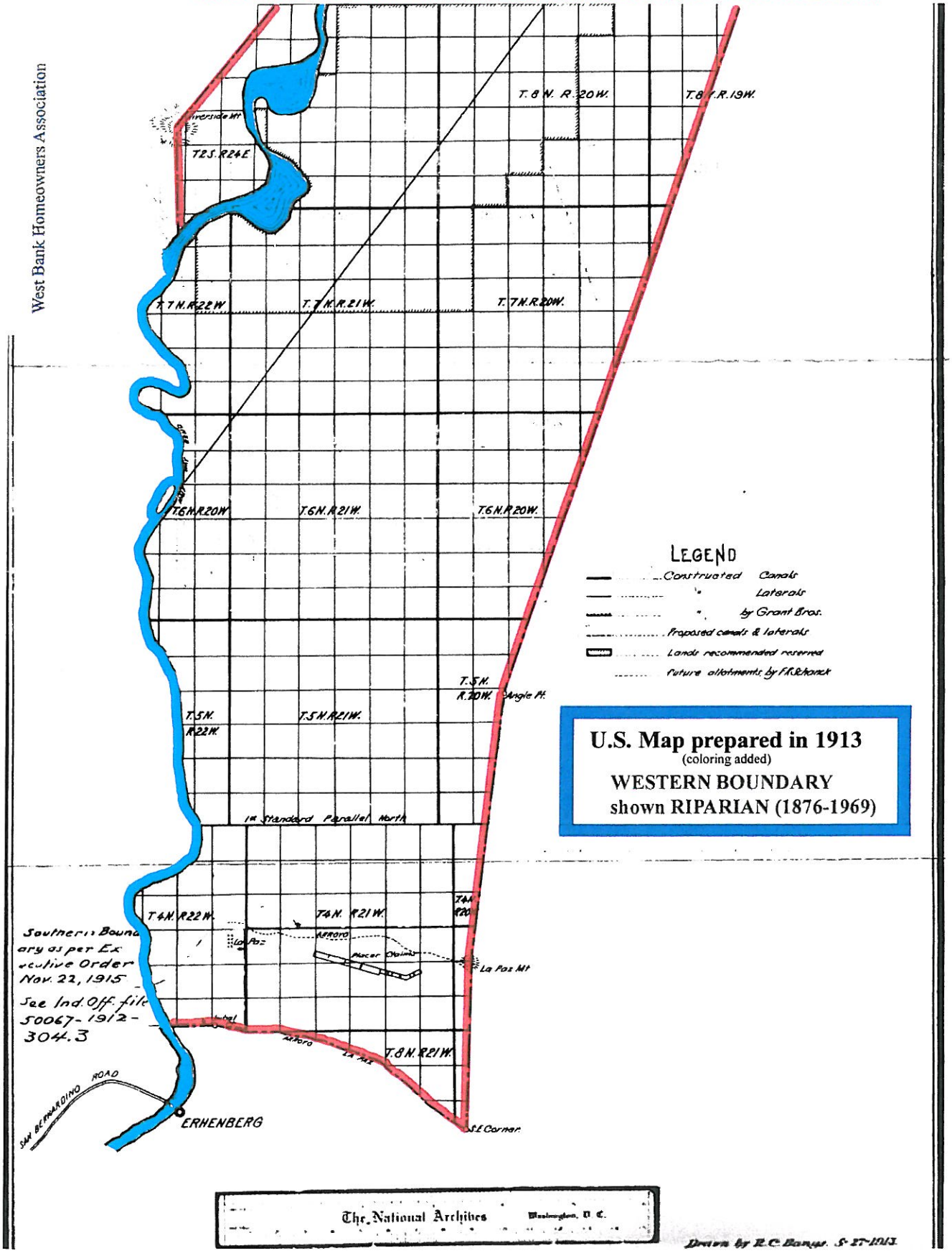
Whereas an Executive order was issued November 16, 1874, defining the limits of the Colorado River Indian Reservation, which purported to cover, but did not, all the lands theretofore set apart by act of Congress approved March 3, 1865, and Executive order dated November 22, 1873; and whereas the order of November 16, 1874, did not revoke the order of November 22, 1873, it is hereby ordered that all lands withdrawn from sale by either of these orders are still set apart for Indian purposes; and the following are hereby declared to be the boundaries of the Colorado River Indian Reservation in Arizona and California, viz:

Beginning at a point where La Paz Arroyo enters the Colorado River, 4 miles above Ehrenberg; thence easterly with said arroyo to a point south of the crest of La Paz Mountain; thence with said mountain crest in a northerly direction to the top of Black Mountain; thence in a northwesterly direction over the Colorado River to the top of Monument Peak, in the State of California; thence southwesterly in a straight line to the top of Riverside Mountain, California; thence in a direct line toward the place of beginning to the west bank of the Colorado River; thence down said west bank to a point opposite the place of beginning; thence to the place of beginning.

U. S. GRANT.

COLORADO RIVER INDIAN RESERVATION (SOUTHERN SECTION)

West Bank Homeowners Association



Southern Boundary as per Executive Order Nov. 22, 1915

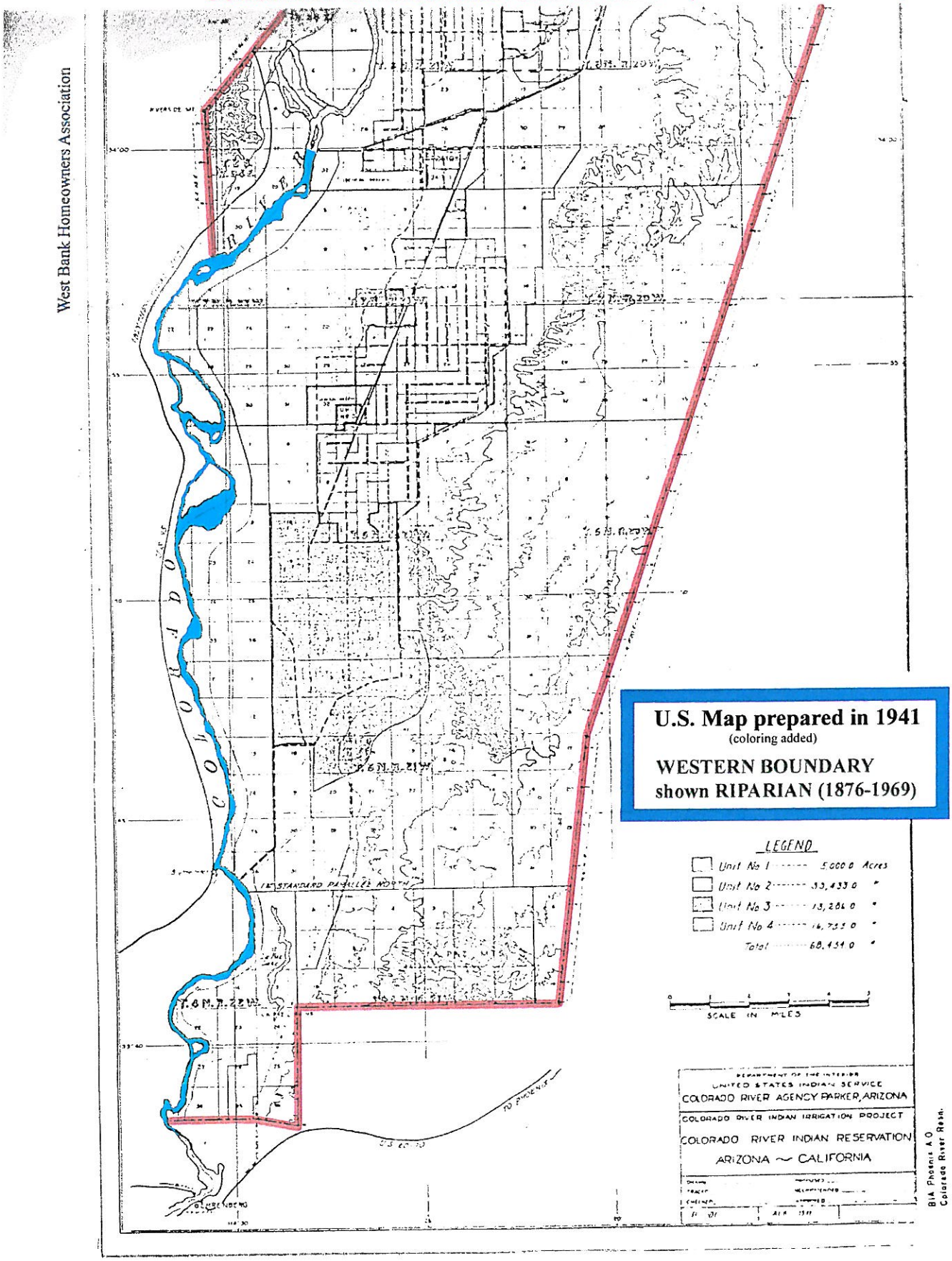
See Ind. Off. file 50067-1912-304.3

U.S. Map prepared in 1913
(coloring added)
WESTERN BOUNDARY
shown RIPARIAN (1876-1969)

Drawn by R.C. Bangs. 5-27-1913.

COLORADO RIVER INDIAN RESERVATION (SOUTHERN SECTION)

West Bank Homeowners Association



BOUNDARY and WATER RIGHTS

Arizona v. California I

From 1876 until 1958 every federal agency, including the Bureau of Indian Affairs, treated the Colorado River's west bank, where the water meets the land, as the western boundary of the reservation. (See reproductions of U.S. maps from 1913, 1941, and 1958). However, during proceedings in *Arizona v. California I* , 373 U.S, 546 (1963) before Special Master Simon H. Rifkind ("Master Rifkind"), a dispute arose between the United States and the California Parties over the location of a portion of the western boundary of the Colorado River Indian Reservation. The United States claimed that the portion of the western boundary of the Reservation described in the Executive Order of 1876 established a ***fixed*** boundary along the actual location of the west bank of the river as it existed in 1876. California parties argued that the boundary was ***riparian***, meaning the boundary moved with the river subject to the legal rules of erosion, accretion and avulsion. The entire argument centered upon the interpretation of the simple phrase "**west bank**" in the 1876 Executive Order.

Since the River changed course almost every year prior to the completion of Boulder Dam in 1933, it was impossible to determine the exact location of the west bank as it existed in 1876. The Unites States proposed to approximate the location using section surveys done in 1874 and 1879 which called out a "meander line" as the extent of arable land. The area between this approximation of the location of the west bank of the river on May 15, 1876 (the United States' and the Tribes' position) and its last natural location (the State Parties' position) is referred to as the "disputed area". (See 1958 map showing the proposed meander line)

After a full trial of the disputed boundary issue, Master Rifkind agreed with the California Parties and made the following conclusions of law (id. At 273):

1. The Executive Order of 1876 established the west bank of the Colorado River as the western boundary of the Colorado River Indian Reservation.
2. The Executive Order of 1876 established a boundary which changes as the course of the Colorado River changes, except when such changes are due to avulsion.
3. In the case of avulsion, the boundary remains at the west bank of the River as it existed immediately prior to the avulsive change.
4. The 1920 "Olive Lake Cut-off" was an avulsion and worked no change in the western boundary of the Colorado River Indian Reservation.
5. The 1943 "Ninth Avenue Cut-off" was an avulsion and worked no change in the western boundary of the Colorado River Indian Reservation.

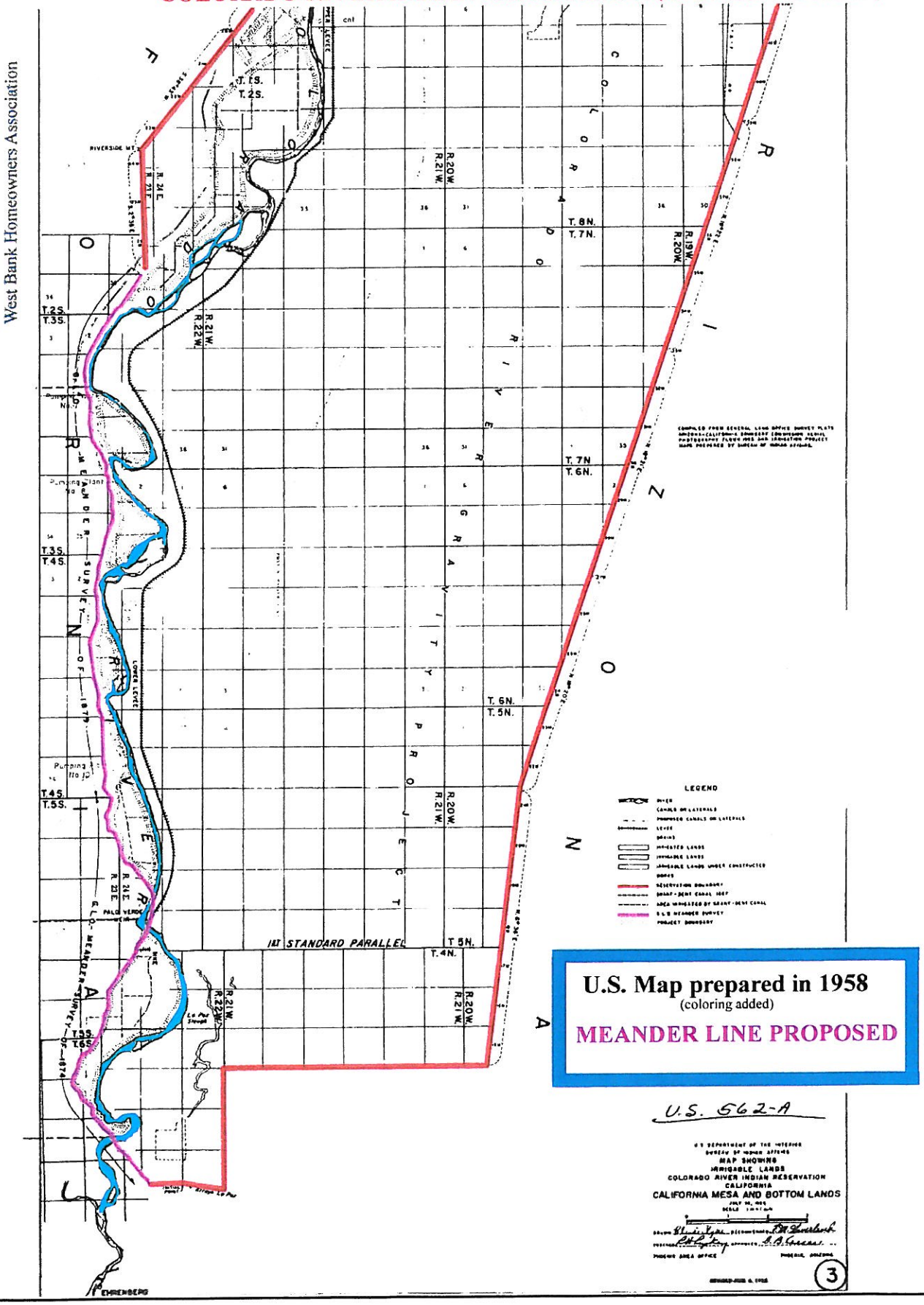
The Supreme Court's 1964 *Arizona I* decree did not address the reservation boundary, but granted water rights in accordance with the Master Rifkind's findings that the CRIR western boundary was ***riparian***. The Tribes were granted no additional water rights for the disputed area, but were granted water rights for 2,280 acres due to avulsive actions in the Olive Lake and Ninth Avenue Cut-offs.

Public Law 88-302

Recognizing the ruling in *Arizona I*, Congress in 1964 passed Public Law 88-302, 78 Stat. 188, which specifically prohibited the Secretary of the Interior from approving leases within the disputed area until the boundary dispute was resolved. It is clear that Congress specifically rejected CRIT authority over the disputed area until "when and if determined to be within the reservation"

COLORADO RIVER INDIAN RESERVATION (SOUTHERN SECTION)

West Bank Homeowners Association



U.S. Map prepared in 1958
(coloring added)

MEANDER LINE PROPOSED

U.S. 562-A

MAP SHOWING
IRRIGABLE LANDS
COLORADO RIVER INDIAN RESERVATION
CALIFORNIA
CALIFORNIA MESA AND BOTTOM LANDS

3

DEPT OF THE INTERIOR EFFORTS TO CIRCUMVENT *ARIZONA I*

Justice Department

After the *Arizona I* decree, the Tribes sought to have the Secretary of the Interior persuade the Department of Justice to institute quiet title actions in the disputed area based on the same fixed line (meander line) argument that the Supreme Court rejected. The Tribes' request was rejected in a 1966 letter to Congressman Morris K. Udall of Arizona stating that the Department of Justice was "not willing to file an action to fix the boundary of the Colorado River Indian Reservation" at the location advocated by the Interior Department in *Arizona I*, and that it would take "more evidence or legal argument" than was then available or was used in *Arizona I* to convince the Justice Department to take the action.

1969 Secretarial Order

Having been unsuccessful at the Justice Department, two and a half years later on January 17, 1969, on the eve of his departure from office, Secretary of the Interior Stewart L. Udall (Morris Udall's brother) issued an order defining the northerly two-thirds of the disputed boundary as the *meander line* introduced in *Arizona I*, the very boundary which Master Rifkind and the Justice Department had rejected. It did not mention the location of the boundary in the southerly one-third. No additional information was considered in the determination, and the California parties were not notified nor did they participate in the departmental findings which resulted in the 1969 Order.

GOVERNMENTAL DOUBLE-DEALING

United States v. Aranson

Meanwhile, since the Tribes had won water rights in *Arizona I* due to avulsive changes in the Olive Lake and Ninth Avenue areas (southerly one-third of the disputed area), they sought quiet title actions in 1972 against the occupants of those lands in *United States v. Aranson*. The Tribes ultimately prevailed and the occupants were removed from the land and forced to pay compensation, primarily for back rent dating back to 1920. The United States prevailed on the basis of their claim that the 1876 Executive Order established a ***riparian*** boundary.

Arizona v. California II

In 1978, the ex-parte Secretarial Order was used as a basis for the United States motion to modify the 1964 *Arizona I* decree to provide additional water rights to the Tribes' on the theory that the 1969 Secretarial Order had "finally determined" the northern two-thirds of the disputed area western boundary. Here the Tribes sought to use the ***meander line*** theory to obtain additional water rights. The motion evolved into *Arizona v. California II*, 460 U.S.605 (1983). The United States made no mention of the southerly one-third of the disputed area, because (1) the meander line crossed back over the present course of the river in three locations; (2) there were a significant number of properties with clear title in the area, and (3) the *Aranson* hypocrisy would have been all too obvious. In reference to the southerly one-third of the disputed area, the U.S. argued "that portion of the disputed boundary is not before the Court."

The Supreme Court referred *Arizona II* back down to the District level with:

"In our 1963 opinion, when we set aside Master Rifkind's boundary determinations as unnecessary and referred to possible future final settlement, we in no way intended that ex-parte secretarial determinations of the boundary issues would constitute "final determinations" ....." and *"...it is clear enough to us, and it should have been clear enough to others, that our 1963 opinion and 1964 decree anticipated that, if at all possible, the boundary disputes would be settled in other forums".*

The Supreme Court did **not** grant additional water rights requested by the Tribes. The Court also made it clear that the Secretarial Order was insufficient to establish a resolution of the boundary dispute. Unfortunately, the Court also made it clear that it was reluctant to rule on the boundary issue.

Arizona II was dismissed on sovereign immunity at the District Court. However, in 1989, the Supreme Court granted the State Parties' motion to reopen the 1964 Decree to resolve the boundary dispute. That case became *Arizona III.*

THE U.S. SUPREME COURT HEARS THE BOUNDARY ISSUE

Arizona v. California III

The Supreme Court assigned the case to Special Master Frank J. McGarr. McGarr was particularly critical of the ***meander*** line theory proposed by the United States, especially in light of the United States' successful litigation of *Aranson* using the ***riparian*** argument. The Master ruled on January 18, 1996:

"The Tribes and United States rely heavily on an Order issued by the Secretary of the Interior on January 17, 1969 which is based on an opinion from the Solicitor of the Department of the Interior issued that same day.. [T]he reasoning underlying the Secretary's Order is not sound. It misinterprets the definition of bank and the nature of accretions. Moreover, the Secretary's conclusion that the 1876 Order created a fixed boundary is directly contrary to the 1876 Order's intent to create a riparian boundary."

The United States claimed that the 1964 Congressional Act, PL88-302, authorized the Secretary to determine the Reservation boundary. The Master refuted that claim:

"The Tribes' argument that the 1964 Act implicitly authorized the Secretary to determine the Reservation's boundary is unfounded.... To the contrary, the 1964 Act states, "the authorization granted herein... shall not be construed to affect the resolution of any controversy over the location of the boundary of the Colorado River Reservation"... In light of this explicit statement, it is clear that the 1964 Act did not authorize the Secretary to resolve the boundary dispute"

Special Master McGarr's language in his Memorandum Opinion and Order No 14 (1993) is simple and clear:

"..we must regard the 1876 Executive Order as free of ambiguity and in its plain meaning, controlling here. It is further evident that despite some resourceful arguments to the contrary, the phrase "west bank" meant in 1876 what it means today; that is that line formed where the water meets the land"..."So unless "west bank" means something other than the western shore of the river where the water meets the land, the river and not a fixed line is the boundary of the reservation."

The Special Master also took special note that the United States *"uncovered no maps prepared prior to the presentation of the United States' evidence in Arizona I showing the disputed area to be part of the Reservation."* He also noted private ownership of land in the disputed area: *"As*

of 1990 the land ownership records of Riverside County, California for the lands within the disputed area show them as in private ownership, except for lands within the so-called Olive Lake cutoff" area, to which title was quieted in the Tribes in 1983". And *"The record in Arizona and in these proceedings contains no evidence that the Bureau of Indian Affairs or any other federal agency had ever asserted jurisdiction over the disputed area on behalf of the Colorado River Indian Tribes or that any claim of ownership of the lands in question had ever been made to the private occupants of those lands on behalf of the Tribes prior to the United States' claims in Arizona I, except for the Olive Lake cutoff area...."*

Unfortunately, all of Special Master McGarr's hard work went for not as the Parties settled the case without a determination of the boundary. When faced with McGarr's Opinion during the trial, the Tribes realized that they would lose the boundary dispute (Exhibit 3). So to avoid a court decision against them, the U.S. proposed to settle with the state parties by dropping their claim for water rights in exchange for the boundary dispute being deferred. The State parties agreed to the terms and the court approved the settlement, rendering the boundary determination (in the words of the Supreme Court) "ripe for resolution". Apparently, indefinitely.

The *Arizona III* settlement was executed in 2000 without a resolution of the boundary dispute.

PARADISE POINT AND SOVEREIGN IMMUNITY

Calvert Turley, et al. v. Daniel Eddy, Jr., et al

In late 2001, CRIT attempted to evict residents at Paradise Point, a mobile home resort in the disputed area. The Tribes were met with resistance both from residents, and ultimately from the Bureau of Indian Affairs. On November 19, 2001, a standoff occurred between residents, BIA federal agents, tribal members, and the Riverside County Sheriff. Initially, the BIA threatened residents with 5 year federal prison sentences if they failed to vacate residences immediately, and also threatened to arrest any local sheriff who "got in the way". When the residents requested to see a court order, the BIA conferred with CRIT police. After discovering that CRIT did not obtain court orders for the evictions, all federal agents (cars, boat, and helicopter) left the scene.

CRIT took matters into their own hands in early 2002 by severing the electrical cables to and from each resident's utility meter, cutting back the underground service to prevent reconnection, then removed the meter posts and tossed each one onto the resident's porch. A few months later, after a major sewer line was inadvertently cut by a CRIT contractor, CRIT destroyed the lift station that supported the residents' sewage system, rendering it useless. The residents were then left without both electrical power and sewer connection.

Residents filed suit a few months later in federal court, seeking to restrain the actions of the tribal council members, and to obtain a court declaration that CRIT had no jurisdiction in the disputed area (*Calvert Turley, et al. v. Daniel Eddy, Jr. et al*). Although the case was presented in such a way to avoid the sovereign immunity threshold, the Tribes ultimately achieved a dismissal based on tribal sovereign immunity. Plaintiffs argued that since sovereign immunity only exists on the reservation, the court must determine that Paradise Point is indeed on the reservation. However, the District Court would not consider the location of Paradise Point relative to the reservation boundary. The decision was reaffirmed by the 9th Circuit Court of Appeals. A Writ of Certiorari was filed with the U.S. Supreme Court, but the request was denied.

PLIGHT OF THE RESIDENTS

It was not until the years during *Arizona I* that the Federal Government questioned the rights of persons who had settled along the river in the disputed area. The residents began to receive letters from the Department of the Interior – Bureau of Reclamation on or about November 22, 1961. They were asked to provide details concerning the date their occupancy began, a description of the property they claimed, their source of water, and any other pertinent data regarding their occupancy. This information was required if they wanted to be considered for the "Permit Program" for "temporary use of land in the Lower Colorado River area". (Exhibit 1)

The people affected by this new policy had formed a group known as the "Colorado River Resort and Resident Association" (CRRRA), and listed its address as River Bend Lodge, now known as Aha Quinn. Its members held property interests in some fashion along the river from Blythe to Headgate Dam. Everybody in the area was forced to state their claim for permit purposes, or else lose any right to occupy the land. The permit applications required the residents to waive all claims and rights of ownership they may have had, or face eviction by the federal government.

Local residents were shocked by the sudden assault from the government. Many persons were paying property taxes and had been on the land for forty years or more. Some believed they had good title under valid deeds or under provisions of the Homestead and Desert Entry Laws of 1910. The stage was set for a battle that has lasted a lot longer than the "two years or so" that they expected in the early 1960's.

The group retained an attorney to take on the federal government (the residents were not aware of any Indian claims). He advised them to report the property to the County of Riverside for purposes of taxation (regardless of whether they were already being taxed), put up mail boxes and ask the mailman for a number, put a fence around the property, and put a trailer or living quarter of some type on the property and use it. He also urged them to rescind any waiver of rights they had signed with the federal government under duress. (Exhibit 2) The group was also advised to file Homestead papers and "get a package of seeds … and plant them at your place on the river."

The CRRRA eventually changed their name to the Pioneer Land Settlers. They held regular meetings, collected annual dues, and diligently pursed their cause. There was a flurry of lawsuits up and down the river over various claims of ownership. The federal government battled the occupants fiercely and won the vast majority of these cases. As the years slowly passed by, it became evident that very few, if any, of the settlers had any chance of proving they possessed a perfected right of title.

As the Pioneer Land Settlers struggled onward, they obtained significant help from members of Congress (Exhibit 5). Legislation was passed in 1966 to help this group, but it was vetoed by President Johnson. The President also vetoed another bill in late 1968 saying it would give "unprecedented defense to 19 individuals and corporations in a court battle with the federal government for 2,100 acres near Blythe, California". (Exhibit 6)

Legislation was introduced a third time on March 4, 1969, by Senator George Murphy on behalf of the Pioneer Land Settlers. The proposed law would give the people a chance to present their case before a Court of Claims Hearing Official. The Hearing Official would be able to consider the humanitarian as well as the legal issues in making his recommendation. (Exhibit 7) The bill never became law.

These were bold and strident moves our elected representatives made on behalf of a well deserving group of people. They had traveled a hard road for many years and it was time to get a break. But it was time they ran out of. On January 17, 1969, Solicitor Edward Weinberg of the

Department of the Interior submitted an opinion that resulted in the extension of the Western Boundary of the CRIT Reservation to encompass the land the Pioneer Land Settlers were on.

Shortly after the Secretarial Order, persons occupying the area under the permit programs were sent letters from the federal government telling them they would be leasing from the Indians. Two land owners who had fee title were threatened and later bullied into signing over their property rights in exchange for 50-year leases (Tuttle and Clark). Resort owners were given notices to start paying rent to the Tribes. The owner of River Bend Resort (later Aha Quinn) lost his court case and was subsequently not only removed from his property, but was also slapped with a monetary judgment against him. Indignant over the thought of paying rent to Arizona Indians, one owner burned his resort to the ground (Lucky R). Another used dynamite (Hackers). Another refused to pay the Tribes and was ultimately removed from the property (Red Rooster). The remainder of the resort owners acquiesced to the demands of the Tribes. The balance of residents on small parcels submitted applications for annual permits.

As CRIT began asserting jurisdictional control over the disputed lands, conflicts and friction became regular occurrences. In 1991, the Pioneer Land Settlers evolved into the **West Bank Homeowners Association (WBHA)**, and shortly thereafter filed a Motion to Intervene in *Arizona III*. But as the court was deliberating water rights and the fate of the boundary issue, CRIT began attempting evictions of residents in the disputed area.

In 1995, CRIT employees burglarized the home of one of the permittees, Ron Jones, claiming they were acting under a court order to carry out an eviction. The employees broke into the home, stole personal property, changed the locks, then carted off Mr. Jones' property to the reservation in Arizona. The Riverside County Sheriff was called and charges were filed. However, the sheriff did nothing to help Mr. Jones recover his personal property, and made no arrests. CRIT subsequently never produced any court order.

In 2000, CRIT took advantage of the local sheriff's ignorance of due process requirements and were ultimately successful in evicting all residents at the Red Rooster Mobile Home community. The Riverside County Sheriff was called to the scene and asked to assist in a citizen's arrest by a tribal member. The Sheriff advised all residents to leave their homes immediately. The Tribes bulldozed access roads to the park, then trashed and burned the remaining 26 mobile homes plus the park store.

In 2002, residents at Paradise Point were deprived of habitable homes by the interruption of utilities by CRIT employees (see *Turley v. Eddy* above). Today, those homes are still without electrical and sewer connection.

In November 2003, West Bank Homeowners Association members sent over 1300 letters to the Secretary of the Interior requesting that the '69 Secretarial Order be rescinded. When the Dept of the Interior did not respond by February 2004, WBHA sought assistance from Congresswoman Mary Bono. Congresswoman Bono wrote to the Department of the Interior, and subsequently received a response from the Office of the Solicitor in March 2004. That response reiterated the U.S. position that the 1969 Secretarial Order was not only valid, but made the preposterous claim that to rescind the Order would violate the *Arizona III* settlement. A few months later, WBHA received a response to the 1300 letters sent to the Secretary of the Interior. But the response was from the Bureau of Indian Affairs! Apparently rather than responding in a responsible fashion, the Secretary forwarded the letters to the BIA. The BIA response was brief (1 paragraph) and predictable.

Congresswoman Bono once again intervened on behalf of WBHA by writing to the DOI Office of the Inspector General in September 2004. The Inspector General's response in October 2004

acknowledged that although "DOI has a paramount fiduciary duty to protect the interests of the CRIT in those lands", the Solicitor had "thoroughly reviewed the Association's claims". The Inspector General's conclusion was that "it would be improper for the OIG to intervene".

CONCLUSION

Today, residents of the disputed area and the County Sheriff are in a "no-man's land", as they have been since 1969. (All residents in the disputed area are non-tribal members - there are no tribal members living in California nor has there ever been since the reservation was established.) CRIT continues to claim jurisdiction which strongly discourages property improvements and development. Most residents live fearing that any day the Tribes may attempt to evict them, or confiscate their property, or even burn down their homes. Residents are also concerned that as the Tribes' casino in Parker, Arizona, makes them richer each day, the Tribes may be able to use those riches for political favors which could have dire consequences for the disputed area. The sheriff vows to try to "keep the peace", but the Sheriff's Department is unclear on due process rights in the disputed area, especially concerning qualifications for a "court of competent jurisdiction" in attempted evictions of non-tribal members.

There are lots of adjectives one could use to describe the actions of the Department of the Interior with regard to the boundary dispute. Reprehensible, unethical, unprincipled, underhanded, dishonest, and hypocritical are certainly appropriate. The nepotism with the Udall brothers is especially distasteful. But regardless of the how one characterizes their actions, it is clear that the DOI is not going to seriously review their stance without significant outside pressure. It is also clear that the federal courts are not going to rule on the boundary. So that leaves the folks with only one real alternative, **assistance from the U.S. Congress**. Congress tried twice in the 1960's, but were undone by Presidential vetoes. Clearly, the Secretary of the Interior thumbed his nose at Congress by defying PL88-302 in issuing the 1969 Secretarial Order. One would think that Congress would be willing to step up and insist on an end to this abuse of power by the Executive branch of the government and the never-ending stream of lawsuits paid by taxpayers. Hopefully, someday the U.S. Congress will do just that.

EXHIBITS

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
LOWER COLORADO RIVER LAND USE OFFICE
BOX 1648
YUMA, ARIZONA

November 22, 1961

Mr. A. C. Linter
908 North San Antonio
Ontario, California

Dear Mr. Linter:

This is a form letter. In order to supplement our files and to give you an opportunity to state the facts of your case, I would appreciate it if you would send the following information by return mail:

1. The date your occupancy began.

2. A description of the property you claim, stated as accurately as you can.

3. Where applicable, a list of any payments received by you from the U. S. Department of Agriculture with dates of the payments, the name of the issuing office, and their description of the lands involved.

4. In the case of agriculture, please list the source of your water supply--whether from well, ditch, river, or other. If your source of water is from a ditch, please give its size and length.

5. Any other pertinent data regarding your occupancy.

In some instances, you have already submitted part of the information to this Office; and in such instances, you don't need to resubmit that information which you have already given us.

In case any of your neighbors have not received a copy of this letter and wish to be considered for the Permit program, I suggest they also submit the information requested in this letter, since everyone will be contacted in any event.

Sincerely yours,

Albert Romeo

Albert Romeo
Administrator

Enclosure

EXHIBIT 1

Important Notice Members C.R.R.R. Assn.

Word From Attorney Clark:

Regardless of the fact that you are already being taxed on your property, do the following as soon as possible.

1. Write to the County Assessors Office, Riverside, and you may use the following words:

'I report, for purpose of taxation, ownership in a possessory interest in the following real property. This is in Riverside County, California'

Then follow this with a legal description of your property, and state the improvements thereon. Send by certified mail, with return receipt requested.

2. Put up a mail box and ask the mailman for a number. Put your name and numbber on this box and see that you get some mail there once in a while. This costs you but little. Do it as soon as possible.

3. Put a fence around your property. A single strand of wire will do.

4. Put a trailer or some type of living quarters on your property. Use it.

= =

Now is the time for all good men (and women) to follow the advice of their attorney!

= =

We assume all of you have sent in your rescinding papers. If any of you need need the necessary forms to do this, I have them. Ask for them.

Most of you are sending the dues and assessments in for this new year; however there are a few of you that are a little slow------

We have a meeting coming up Feb. 8 at River Bend Lodge. Y'all be there.7:30

* *

Most of you do not know until this moment that one of our members, Mr. & Mrs. Robert Clark, had someone trying to claim some of their land. When Robert Clark removed the fences the people put up, the people, in the name of Rancho Del

EXHIBIT 2

Breakthrough Seen In Squatters Cases

A breakthrough appears near in the so - called "squatters" cases involving the federal government and settlers along the lower Colorado river, according to a press release from Harry Apperson of Crossroads, Calif., located near Parker.

Apperson said he had won three cases recently, all pertaining to land ownership along the river. The cases were heard in the Federal court in Los Angeles and involved 15 acres.

A proposal is now being urged by some California Congressmen to settle the hundreds of disputes by means of federal legislation rather than repeated lawsuits, the release said.

Passing Law

This legislation would provide for Congress passing a law granting title to all the settlers at one time, providing that the federal Court of Claims is given an opportunity to review each settler's case, the release continued.

At present there are two dozen or more eviction suits pending before the court. It is alleged that these suits are a prelude to a sweeping attempt by the federal government to eject these settlers from the land along the lower Colorado river to which the federal government claims title.

The release states that the question of "who owns these lands" has been asked since the first settlers arrived. The question has been the subject for dispute, debate, controversy and in some instances, violence.

Many Sources

The problems stem from many sources, the release asserts, including the Reclamation Act of 1902; interpretation of the various Homestead acts, Desert Land Entry act, Color of Title act and the various legal concepts of accretion and avulsion which affects ownership as a result of the changes in the flow and direction of the river.

The "battle lines" were firmly drawn, the release continues, with the publication, by the Department of the Interior, of "Lower Colorado River Land Use Plan," referred to as the "Red Book."

Department of the Interior planners, recognizing the great recreational potential of the lower Colorado river area, began to envision the establishment and control by the department of a pattern for land use for the entire area from Nevada to Mexico, the release said.

Disposal Of Planners

It was apparently the consensus within the department that by attacking the occupation rights of all occupants whose title to these lands was subject to dispute, the greater proportion of the lands would be put at the disposal of the department planners.

The department, the release reveals, then proceeded to obtain from the occupants a disclaimer and renunciation of all ownership claims to the lands, in exchange for which the occupants were to be issued land use permits under which they agreed to pay rental, established by the department.

The permits all carry a provision for terminating the permit by the department if the department determines the lands are required for another use. Many people up and down the river, the relase stated, have signed these permits and disclaimers. Others have refused to sign, or after signing have attempted to repudiate them.

Sued By Government

About two dozen of the latter have been sued by the federal government, the release said. The cases are in various stages, in a few instances the government has prevailed.

There is presently before the Senate committee on Interior and Insular affairs the draft of a bill, which if passed would give all property owners included in the bill, title to their lands.

In order for the committee to proceed, it was pointed out, members of the committee must be satisfied that there are a substantial number of people on the river who want the opportunity to be heard and who want their names and properties included in the legislation.

EXHIBIT 5

Bill Concerning Land Near Blythe Vetoed

WASHINGTON (UPI) — President Johnson vetoed Saturday a bill he said would give "unprecedented defenses" to 19 individuals and corporations in a court battle with the federal government for 2,100 acres near Blythe, Calif.

The President, who vetoed a similar bill in 1966, said the measure recognizes the court as the appropriate means of settlement but "since the parties are already in court, the only purpose the bill serves is to grant special defenses to the claimant."

At issue is land West of the Colorado River. Its occupants claim because it was formed by accretion. The government says it is a government reservation and ownership did not change with the course of the river.

The bill would have entitled the occupant to the same legal defense against the government as against a private litigant under California law.

"It would deprive the U.S. of its sovereign immunity to loss of the public lands by adverse possession and in the unity that is essential if we are to provide adequate protection of the people's interest in the more than 450 million acres of public land Johnson said.

EXHIBIT 6

OPEN LETTER
TO THE FOLLOWING:

The Honorable Ronald Reagan
Governor of California
State Capitol
Sacramento, Calif. 95814

The Honorable Edward Reinecke
Lt. Governor
State Capitol
Sacramento, Calif. 95814

The Honorable George L. Murphy
452 Senate Office Building
Washington, D. C.

The Honorable John V. Tunney
Longworth House Office Building
Washington, D. C.

The Honorable Allan Cranston
4241 New Senate Office Building
Washington, D. C

The Honorable Walter G. Hickel
Department of Interior
Washington, D. C.

The Honorable Victor Veysey
California Assembly
Sacramento, Calif. 95814

The Honorable Gordon Cologne
California Senate
Sacramento, Calif. 95814

The Honorable Jerry Pettis
House Office Building
Washington, D. C

The Honorable Jerry Lewis
State Assembly
Sacramento, Calif. 95814

The Honorable William Coombs
State Senator
Sacramento, Calif. 95814

WHY SHOULD CALIFORNIA LOSE?

The State of California and counties bordering the Colorado River are in the process of losing thousands of acres of land and many of its good taxpaying citizens. Many thousands of dollars have been spent in the development of the lands along the Colorado River, providing retirement homes, recreation areas, and rich farms. We believe these lands belong to the State of California by virtue of the Swamp and Overflow Act. We, the undersigned California citizens and sponsors of this open letter, are appealing to you, the above elected and appointed officials, for HELP!

Thomas Blythe in 1877 secured title to all the valley land from the Colorado River west to the range line between ranges 22 and 23 under the provisions of the Swamp and Overflow Act.

All government lands in the valley were opened for entry under the homestead and desert entry laws in 1910 and were quickly filed upon by homesteaders. This would certainly indicate that all land in Palo Verde Valley has been under private ownership for 60 years, including those bordering the Colorado River.

Bills and resolutions were introduced in the Senate on March 4, 1969, by Senator George Murphy on behalf of many of the people living along the Colorado River. These bills would give the people a chance to present their case before a Court of Claims Hearing official, who would help the committee and the Senate by assembling the facts and recommending action on the bills. He would consider the humanitarian as well as the legal issues in making his recommendations.

The bills were referred to the Committee on Interior and Insular Affairs, where they are still held up after more than one year. If we do not get your help to complete the referral procedure, many of our people will lose all of their holdings, land that was dug out of the wilderness by as many as three generations of pioneers. Through their hard work, places of beauty and retreat for the enjoyment of thousands of recreationists, sportsmen, farmers, homeowners, and retired senior citizens have been created.

We have spent years working and developing lands which we thought were ours. We have lived many years on these lands that we thought we had titles to, paid our taxes and contributed to the community in many ways. We have voted for the representatives whom we thought were interested in the rights of the citizens. Now is it then, we ask, can so few misguided officials succeed in allowing these lands to be taken from the citizens of the counties bordering the Colorado River in the State of California?

We are sure we elected the right representatives, and we hope this letter will bring to your attention our desperate plight. Our resources are almost depleted. Many of our people cannot afford to carry on this crusade much longer. Self-dependent retired people would require state or federal aid and be forced to leave the land that they have invested their life savings in. We must have your help now.

In closing, we would like to say that non passage of these bills will benefit none and cause losses to thousands.

We need your help and urge you to participate. Sign copies of this entire ad now and send one copy to each of the above mentioned officials, or to any other official of your choice. Do not delay. Act now.

Dated this____day of_____1970

Signed by_____

Company (if any)_____

Street_____

City_____ State_____ Zip_____

Signed, Written and Paid for by the following Individuals:

Mr. and Mrs. A. R. Ames
Parker Ariz. 85344

Mr. and Mrs. C. C. Anderson
Arcadia, Cal. 91006

Mr. and Mrs. Leonard Wilmon
Ames, Cal.

Mr. and Mrs. H. M. Apperson
Earp, Cal. 92242

Mr. and Mrs. R. G. Armstrong
Parker Dam, Cal. 92267

Mr. and Mrs. T. J. Baker
Las Vegas, Nev.

Mr. and Mrs. H. E. Brechfield
Blythe, Cal.

Mr. and Mrs. W. H. Meyers
Encino, Cal.

Mr. and Mrs. Jack Biggs
Blythe, Cal. 92225

Mr. and Mrs. Randall Biggs
Norwalk, Cal. 90650

Mrs. E. S. Bourdon
Blythe, Cal. 92225

Mr. and Mrs. David E. Burdick
Bellflower, Cal.

Mrs. Martha Butler
Blythe, Cal. 92225

Mr. and Mrs. Stewart F. Chase
Buena Park, Cal. 90620

Mr. and Mrs. Robert Clark
Blythe, Cal. 92225

Mr. and Mrs. Wesley Cobb
Blythe, Cal. 92225

Mr. and Mrs. C. F. Eberwein
Long Beach, Cal. 90807

Mr. and Mrs. Edward Gano
Alhambra, Cal. 91801

Mr. and Mrs. M. H. Gill
Earp, Cal. 92242

Mr. and Mrs. Glenn Gilstrap
Westminster, Cal. 92683

Mr. and Mrs. B.R. Conolchap
Claremont, Cal. 91711

Mr. and Mrs. Jim A. Gould
L. A., Cal. 90049

Mr. and Mrs. Ralph Grove
Paramount, Cal. 90723

Mrs. Margo Hakker
Blythe, Cal. 92225

Mr. and Mrs. Paul Hauk
San Bernardino, Cal. 92404

Mr. and Mrs. Clarence D. Horn
Blythe, Cal. 92225

Mrs. Wm. B. Hudgins
Earp, Cal. 92242

Mr. and Mrs. A. L. Johnson
Blythe, Cal. 92225

Mr. and Mrs. L. A. Lambreth
Ontario, Cal. 91762

Mr. and Mrs. Ralph Lindenmuth
Mr. Hollywood, Cal. 91605

Mr. and Mrs. H. McDowell
Mira Loma, Cal. 91752

Mrs. Harriett McCormack
Blythe, Cal. 92225

Mr. John McCoy
Blythe, Cal. 92225

Mr. and Mrs. Alfred Mowry
Whittier, Cal. 90602

Mrs. O. M. Olson
Blythe, Cal. 92225

Mr. and Mrs. R. E. de Perrot
Glendale, Cal. 91209

Mr. and Mrs. Glenn Peterson
Inglewood, Cal. 90303

Mr. and Mrs. Donald L. Pierce
Long Beach, Cal.

Mr. and Mrs. Arthur E. Porcaro
Long Beach, Cal.

Mr. and Mrs. Dale L. Cardoza
Long Beach, Cal.

Mr. and Mrs. Harold W. Johnson
Buena Park, Cal. 90620

Mr. and Mrs. David F. Larson
Long Beach, Cal.

Walter B. Plymesser
Mira Loma, Cal. 91752

Mr. and Mrs. Ray Polzin
Blythe, Cal. 92225

Mr. and Mrs. Owen Prather
Baldwin Park, Cal. 91706

Mr. and Mrs. Earl A. Reynolds
Wilmington, Cal. 90744

Mr. Clyde Rider
Tooeyville, Utah 84774

Mr. and Mrs. Martin Rock
Diamond Bar, Cal. 91765

Mr. and Mrs. Ray Roorbroek Jr
Downey, Cal. 90242

Mr. and Mrs. Ray Roorbroek Jr
Bellflower, Cal.

Mr. and Mrs. Utah Sanders
Granada Hills Cal.

Mrs. Grant Scrivens
Blythe, Cal. 92225

Mr. and Mrs. Jack Smith
La Mirada, Cal. 90638

Mr. and Mrs. Larry Squires
Garden Grove, Cal. 92641

Mr. and Mrs. H. E. Welch
Blythe, Cal.

Mr. and Mrs. Earl E. Wilson
Las Vegas, Nev. 89106

Mr. and Mrs. E. R. Wilson
Blythe, Cal. 92225

Mr. and Mrs. J. W. Wilson
Lakewood, Cal. 90713

Mr. and Mrs. Elmer A. Wold
Playa Del Rey, Cal. 90291

Mr. and Mrs. Fred C. Wright
Blythe, Cal. 92225

Mr. and Mrs. John Zilke
Monrovia, Cal. 91016

Mrs. Marie Collings
Earp, Cal. 92242

Mrs. A. L. Draper
Blythe, Cal. 92225

Mr. and Mrs. E. A. Reynolds Jr
Blythe, Cal. 92225

Mr. and Mrs. A. W. Sedgemore
Blythe, Cal. 92225

Mr. and Mrs. Jack Uls
Riverside, Cal.

EXHIBIT 7