

Stand Up For California!

“Citizens making a difference”

www.standupca.org

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October 20, 2008

Honorable Dirk Kempthorne
Secretary of the Interior
U.S. Department of the Interior
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Washington, D. C. 20240
Fax: 202-208-6956

Honorable Earl Devaney
Inspector General
U. S. Department of the Interior
Bureau of Indian Affairs
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RE: Request for a formal investigation of the Potential Fraudulent Representations by the Colorado River Indian Tribes and the Arizona Bureau of Indian Affairs Officials Resulting in the Mistreatment of California Residents and Defrauding of *Public Funds* in California.

Dear Secretary Kempthorne and Inspector General Devaney:

Sadly, the ‘*culture of corruption*’ does not seem to be isolated to Washington, D.C. Lobbyists or CEO’s of financial markets on Wall Street.

Stand Up For California! and *Colorado River Residents for Justice* (CCR4J) requests a formal investigation into the potential fraudulent activities of the Colorado River Indian Tribes and the Arizona Bureau of Indian Affairs. It appears that the CRIT, its Attorneys, its Tribal Court system and the Arizona Bureau of Indian Affairs have acted in bad faith.

Further, the actions of the Department of the Interior, Arizona Bureau of Indian Affairs (Arizona BIA) officials are of great concern. It appears officials from this office may have abused authority, taken inappropriate actions and perhaps even fraudulently represented the facts. These actions have resulted in direct financial harm to non-tribal citizens in California and potentially affect the future of the water supply to two of our State’s largest Counties with the greatest population density.

Additionally, officials of the Arizona BIA by misrepresenting the facts have assisted the CRIT in acquiring millions upon millions of dollars of public funds from the State of California which have been set aside for our State’s poorest non-gaming tribes. Make no mistake, this appears to be corruption no different from that existing on Wall Street today and officials of the Arizona Office of the BIA without knowing their intent appear complicit in the defrauding of the State of California.

Colorado River Residents for Justice is a group of civic-minded citizens, home and business owners living in California along the Colorado River. The organization’s purpose is to vigorously protect its members’ rights as afforded by federal and state laws. CRR4J participants have been and continue to be victims of a lack of due process and disregard of the rule of law by the CRIT and the Arizona BIA. CRR4J wishes to bring clarity and closure to the long-running dispute over the western boundary of the Colorado River Indian Tribes’ Reservation. *Stand Up For California!* is a statewide organization

recognized by state and federal officials that assists community groups and individual elected officials and members of law enforcement on gaming and related Indian issues.

The CRIT tribal government through its court system has prosecuted legal claims against non-tribal private citizens depriving non-tribal citizens of due process rights, and their real and personal property. The Arizona BIA officials have fostered the CRIT in asserting their authority over lands and illegal leases in California despite Congressional prohibition on the CRIT Reservation's extension into California and the United States Supreme Court ruling in the second *Arizona v. California* case.

Chairman Eddy, Jr. on behalf of CRIT signed a Settlement Agreement which acknowledged the status of a portion of the land remains in *dispute*. The Stipulation filed with the Settlement Agreement makes clear that tribal court jurisdiction cannot extend to land that has not been determined to be '*within the boundary*' of the CRIT Reservation. (*See- Memorandum in Support of Joint Motion to Recommend Approval of Stipulation and Agreement, and the Stipulation and Agreement*)

Indeed, it would appear that Tribal leadership, Attorneys for the Tribe and Tribal Court have knowingly made false claims and asserted unjustified jurisdiction over the private property and successful businesses of non-tribal citizens in California. The Tribal leadership, the Attorneys and Tribal Court obviously know the true status of the land as evidenced by the signed Settlement Agreement. This appears to be corruption no different from that existing on Wall Street today and the lack of appropriate remedial action makes the Department of the Interior complicit.

Stand Up For California! and the *Colorado River Residents for Justice* respectfully requests a formal investigation. It is unconscionable that the Department of the Interior encourages and supports the CRIT to prosecute wrongful legal claims outside its jurisdiction on non-tribal citizens and businesses, costing private citizens their savings, livelihood and quality of life.

The Department of Interior has encouraged this behavior by ignoring the express mandate of Congress, making inaccurate trust and reservation status claims on behalf of CRIT and refusing to retract its 1969 Secretarial Opinion which Congress never authorized. 43 U.S.C., Section 150 states that only Congress can create or enlarge an Indian Reservation. Further, the "Four Reservations" Act of April 8, 1864, 13 Stat. 39, (1864 Act) prohibits the CRIT Reservation from extending into California without further Congressional authorization which Congress has not seen fit to enact. CRIT's claim to control another significant portion of California land, outside the 'disputed area' described in the *Arizona v. California* cases is based on Executive Orders that lack Congressional authorization and violate the 1864 Act.

Congress has never authorized expansion of the CRIT Reservation into California. Neither Congress nor the courts have overridden or rescinded the 1864 Act. There has never been a formal, legally competent declaration of trust or reservation status for CRIT for land in California. Due to their participation in the *Arizona v. California* cases and their fiduciary relationship with CRIT, statements about trust or reservation status from Department of the Interior or other Government officials should be considered self-serving and carry a strong presumption of such that these officials must be required to overcome.

Moreover, in *Arizona II*, the Supreme Court noted that the Secretary was not authorized to render the 1969 opinion. Special Master McGarr in *Arizona III* reached the same conclusion.

In spite of the 1864 Act, 43 U.S.C., Section 150, and United States Supreme Court ruling, the Arizona BIA officials appear to be participating in defrauding the State of California of \$1.1 million annually of *public funds* designated for some of our State's poorest tribes. This appears to be an abuse of authority and begs the question of potential intentional fraudulent representation of the western boundary by the CRIT and the Arizona BIA officials justifying the request for a formal investigation.

- There is no formal declaration of trust or reservation status for California land to be included in the CRIT Reservation.
- The 1864 Act prohibits the extension of the CRIT Reservation into California. Congress has not overridden this law and no competent court has ever ruled that the CRIT can control land in California.
- The CRIT lost in *Arizona II* in attempts to persuade the Supreme Court that the 1969 Secretary opinion was a valid boundary determination.
- The CRIT settled in *Arizona III* to avoid the binding effect of the Special Master decisions which denounced the 1969 Secretarial Order.

Please do not hesitate to contact us for additional information.

Sincerely,

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Attachments:

Memorandum in Support of Joint Motion To Recommend Approval of Stipulation and Agreement, Supreme Court of the United States, October Term 1989 Before the Special Master, *State of Arizona v. California, et al.*

Stipulation and Agreement

Analysis of the CRIT Boundary Dispute, *Arizona v. California Settlement Agreement*, October 16, 2008, by Colorado River Residents for Justice, Attorney Tim Moore

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