

# COLORADO RIVER RESIDENTS FOR JUSTICE

## *EQUAL RIGHTS AND FAIR TREATMENT FOR ALL*

P.O. Box 1099  
Blythe, California 92225

Telephone 760-922-9653  
Facsimile 760-922-8299

Email: [CRR4Justice@yahoo.com](mailto:CRR4Justice@yahoo.com)

Website: <http://www.CRR4Justice.com>

June 29, 2010

Captain Rod Vigue  
Riverside County Sheriffs Department  
260 N. Spring Street  
Blythe, California 92225

Re: Policy Matters

Dear Captain Vigue:

We are writing this letter to seek clarification/correction from you as to the Riverside County Sheriffs apparent recent policy change as it pertains to the Colorado River Indian Tribes (CRIT) and the California residents that occupy non-tribal land in California.

As you are aware, your deputies were present when armed CRIT officers physically removed Al Bueno from his property in California. Their physical removal of Mr. Bueno constitutes an assault and battery under California law. It is our understanding that you believe that the CRIT officer's conduct was under 'color of authority' thus exempting them from a criminal assault and battery. Is this information correct?

The prevailing law in this area is without ambiguity. This land is not part of the CRIT Reservation. CRIT officers can only be acting under color of authority if and only if they are on CRIT land. Is your office now assuming that the California land is part of the CRIT Reservation?

We have been informed that you recently told Representative Toni Hawley, of the Blythe Boat Club, that her organization must respond to CRIT, in CRIT Court, if CRIT attempts to remove the organization from its California land. The CRIT Court would only have jurisdiction if the land is on their reservation and the Blythe Boat Club had a consensual relationship with CRIT. Did you make such a statement to Ms. Hawley? Is it your belief that a California resident on land adjacent to the Colorado River must litigate disputes with CRIT in the CRIT Court? If so, what is the legal basis for your belief that the CRIT Court has jurisdiction in this area?

Recently, we were informed that a boat was stolen from the premises of a California resident by CRIT. The resident, Ron Jones was told by one of your deputies that he must contact CRIT. Was such a statement made by your deputies? We believe that the theft of the boat constitutes a felony under California law. CRIT's posting of a Notice of Abandonment on a residence where the occupants were obviously not present; with 12 hours allowed for response, breaking the lock on the boat, towing it to Arizona, and then asking Mr. Jones for \$140,000 to recover his property is nothing other than theft under a very faint color of authority. This is not a civil matter-it is criminal. Does your office intend to take any action against CRIT or its officials for this theft?

We understand that you are aware that CRIT officials recently posted very threatening notices on the property of many California residents. These notices threaten actions by CRIT that can only be carried out if the Riverside County Sheriff stands by and allows CRIT Police to physically remove the residents and their property. Do you intend to allow CRIT to physically remove the residents or their property?

Captain Rod Vigue  
June 29, 2010  
Page two

Colorado River Residents for Justice

Will you require a court order? Will you accept a CRIT Court order? The acceptance of a CRIT Court order acknowledges that you believe the CRIT Court has jurisdiction in California. Is your office acting on the assumption that CRIT somehow has legal authority in California?

We believe that CRIT's recent actions amount to commercial terrorism. The recent increase in CRIT actions against the residents signals a change in CRIT's conduct. We are concerned that this change resulting in much more harsh and aggressive treatment of the residents by CRIT is a direct result of the Riverside County Sheriffs apparent change in their policy as it pertains to CRIT. CRIT has been emboldened by recent actions and lack thereof on behalf of the Riverside County Sheriff's office. We hope this does not continue.

Please understand that if your office believes that the CRIT Court must be utilized in dispute resolution this belief is not supported by the clear application of the controlling law. Your adoption of any policy that forces the residents to litigate in CRIT tribal court is beyond any justifiable legal framework. If forced to litigate in tribal court, the residents will certainly lose. CRIT will not permit any arguments about the true basis for this dispute: the legal boundary of their reservation. CRIT hires the judge and he determines what laws apply. The tribal court process and the appeal from the inevitable loss in tribal court will cost the residents tens if not hundreds of thousands of dollars. Amounts of money that few, if any of the residents can afford. The emotional cost of facing tribal court litigation and federal court appeals is beyond the ability to measure. There can only be ostensible due process for those very few residents who can afford this expensive process. Your apparent policy of deferring to CRIT is the only reason CRIT is able to carry out threats of tribal court litigation when federal and states courts could easily be utilized by CRIT.

It appears that this burden is being placed on the citizens solely as a result of the Sheriff's policy. Without your office deferring to CRIT, and the favorable assumptions your office has been making about the status of the land, CRIT could easily file any legal actions in federal or state court. Only your actions allow CRIT to have the home court advantage of their controlled tribal court.

The area residents are extremely apprehensive and many are nearing panic. Their future response to CRIT's harsh, unfair and unlawful treatment is unpredictable. Your office has the ability to defuse this extremely volatile situation by making a clear policy statement that is based on the controlling law. It is our opinion that it is your responsibility to follow the prevailing law and not allow CRIT the advantage it is currently utilizing in its harsh treatment of these residents. The residents are being denied their fundamental due-process rights directly as a result of CRIT's actions and the Sheriffs refusal to apply the prevailing law. CRIT has a clear and effective remedy: file any desired action in federal or state court.

We would appreciate your prompt written response to this critical and time sensitive matter.

Sincerely,  
Board of Directors  
Colorado River Residents for Justice

cc: Jonathan Holub--Riverside County Counsel  
John Benoit--Supervisor Riverside County  
Olin Jones--California Department of Justice  
Sara Drake--Assistant Attorney General State of California