



WESTERN STATES SHERIFFS' ASSOCIATION

4718 Ponderosa Drive - Carson City, NV 89701-6735

RESOLUTION WSSA 2004-01

SUPPORTING LEGISLATION TO STUDY SOVEREIGN IMMUNITY AS IT RELATES TO INDIAN TRIBES AND LOCAL AND STATE GOVERNMENTS IN THE WESTERN STATES

WE, the members of the Western States Sheriffs' Association, respectfully represent as follows:

WHEREAS, the WSSA recognizes and respects the sovereignty of the federally recognized Indian tribes in the United States possess limited sovereignty. In addition, WSSA recognizes the rights of all citizens to equal protection and service under the law. The sheriffs of the West are committed to working with all citizens and visitors in their respective counties to ensure their rights to peace, safety and tranquility; and

WHEREAS, Public Law 101-618 authorizes Indian Tribes to acquire off-reservation lands and have the lands taken in trust by the United States and become part of their reservations; and

WHEREAS, a number of recognized Indian Tribes throughout the West and the United States have expanded their reservations by purchasing public and private lands for the purpose of augmenting or engaging in on and off reservation commercial and other enterprises; and

WHEREAS, tribal members are engaging in commercial enterprises with non-Indians, both on and off tribal reservations and trust lands, within their respective city, county and state communities, and not complying with city, county, and state laws and regulations relating to the collection and/or payment of sales, and hotel taxes, and other taxation matters, as well as building, public safety, water and other environmental matters; and

WHEREAS, city, county and state governments are faced with complex and expensive trial court and appellate litigation, brought about by tribal claims of sovereign immunity, when attempts are made to obtain compliance with public health, safety, criminal, and environmental laws affecting Indian tribes and non-Indian tribal members alike, both with regard to on and off-reservation activities. This litigation also includes without limit complex and expensive litigation when law enforcement officials attempt to investigate tribal and non-tribal members alike in connection with crimes committed off the reservation, and where there is a return to the Indian reservation or land held in trust by the United States of the person being investigated, or when evidence or the proceeds of off-reservation crime is located within tribal land or tribal businesses; now

THEREFORE BE IT RESOLVED this 19th day of February, 2004, that the Western States Sheriffs' Association at their regularly scheduled meeting in Reno, Nevada support: (1) legislative changes to address claims of tribal sovereign immunity as they relate to communities adjacent to original Indian lands and all other citizens and residents of the States; (2) to further define the role of Indian tribes to comply with city, county and state building, health and safety, criminal, and environmental codes; (3) address the tax issues and loss of revenues by non-Indian communities; and (4) urge our U.S. Senators and Representatives to co-sponsor new legislation in the 108th Congress, and pass suitable and equitable legislation addressing these concerns for the benefit of all.

APPROVED:

Paul B. McGrath
Paul B. McGrath
Secretary

Jim Dufont
JIM DUFONT
President

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DRAFT RESOLUTION

RESOLUTION WSSA 07-01

INDIVIDUAL STATE SOVEREIGNTY & IMMUNITY CLAIMS BY FEDERALLY RECOGNIZED INDIAN TRIBES IN THE WEST

We, the members of the Western States Sheriffs' Association, respectfully represent as follows:

WHEREAS, the WSSA recognizes and respects the limited sovereignty of the federally recognized Indian tribes in the United States. In addition, WSSA recognizes the rights of all citizens to equal protection and service under the law. The sheriffs of the West are committed to working with all citizens and visitors in their respective counties to ensure their rights to peace, safety and tranquility; and

WHEREAS, a number of recognized Indian Tribes throughout the West and the United States have expanded their reservations by purchasing public and private lands within the state for the purpose of augmenting or engaging in on-and-off reservation commercial and other enterprises; and

WHEREAS, tribal members are engaging in commercial enterprises with non-Indians, both on-and-off tribal reservations and trust lands within their respective city, county and state communities, and not complying with city, county, and state laws and regulations relating to public safety, building, water and other environmental matters; and

WHEREAS, individual tribal government claims of "sovereignty" pertain only to four factors with respect to their tribal memberships. These sovereignty issues are (1) determining tribal membership, (2) administering the estates of their members, (3) governing their membership, and (4) providing public safety/court systems for their membership; and

WHEREAS, Tribal Governments who expand their reservations through "trust" agreements are infringing on the sovereignty of the state. State Governments and their political sub-divisions have criminal and civil jurisdiction over non-Indian, non-tribal members that reside or visit within the reservations exterior boundaries; and

DRAFT RESOLUTION

DRAFT RESOLUTION

RESOLUTION WSSA 07-02

SUPPORTING LEGISLATION FOR TRIBAL GOVERNMENTS TO ASSUME STATE PEACE OFFICER STATUS

We, the members of the Western States Sheriffs' Association, respectfully represent as follows:

WHEREAS, the WSSA recognizes and respects that Indian tribes in the United States possess limited sovereignty. The WSSA recognizes the rights of all citizens to equal protection and service under the law. The sheriffs of the West are committed to working with all citizens and visitors in their respective counties to ensure their rights to peace, safety and tranquility; and

WHEREAS, Indian tribes are engaging and expanding commerce with non-Indians, both on and off tribal reservation and trust lands, within their respective city, county and state communities, and not able to provide the necessary safety and protection to non-tribal members; and

WHEREAS, Sheriffs are required to provide to these non-tribal members within Indian Country safety and protection; and

WHEREAS, Tribal governments in order to expand their jurisdiction over non-Indian residents, guests and visitors must comply with the laws of the state of which they are a political sub-division; now

BE IT RESOLVED this 8th day of March, 2007, at the Western States Sheriffs' Association annual meeting in Reno, Nevada to support (1) enacting state legislation requiring Tribal Governments to adopt civil and criminal jurisdiction over non-tribal members within Indian country; (2) support Tribal Governments to educate and train tribal police; (3) to further define the role of Indian tribes to assume civil liability; (4) bring their tribal courts in compliance with state rules and regulations that allow reporting of their activities; and (5) encourage Congress to properly define Indian police roles within their communities for the benefit of all citizens.

ATTEST

Paul B. McGrath
Secretary

CLAY PARKER
President

DRAFT RESOLUTION

Secretary

Paul B. McGrath

President

CLAY PARKER

ATTEST:

WHEREAS, States and their political sub-divisions retain their sovereignty on "trust" lands, regardless of action taken to exempt such lands from the jurisdiction of the state, as it relates to criminal and civil jurisdiction; now

THEREFORE BE IT RESOLVED this 8th day of March, 2007, at the Western States Sheriffs' Association regularly scheduled meeting in Reno, Nevada to support (1) legislative changes to clarify tribal claims of sovereignty as it relates to non-Indian communities adjacent to original Indian lands; (2) to further define the role of Indian tribes to comply with city, county and state building, health and safety, criminal, and environmental codes; (3) to encourage local county governments to enact ordinances to regulate commerce with Indian tribes for the purpose of taxes, other revenues, and fee collections for county governments from non-Indian and non-tribal members doing business on or off tribal reservation areas; and (4) urge their Congressional Representatives to sponsor new legislation in the 110th Congress that is equitable to all citizens with the state.