



July 1, 2017

Soboba Indian Reporter

SOBOBA INDIAN REPORTER: ERNIE C. SALGADO JR., PUBLISHER/EDITOR

PUBLIC LAW 280: TRIBAL RIGHTS AND JURISDICTION

On June 9, 2017 Soboba Band of Luiseño Indian tribal attorney George Forman files a law suit against the Riverside County Sheriff's in the United States District Court, Central District of California. The main issues of the laws suit are tribal rights, authority and jurisdiction.

The legal action taken by the Soboba Tribal Council stems from the alleged illegal actions taken by the Riverside sheriffs during their investigation of a missing person (Jerome Salgado Jr.) from May 26 - 31, 2016.

The law suits Introduction states *"During the period of May 26 - 31, 2016, agents of the Riverside County Sheriff's Office invaded the Soboba Indian Reservation ("Soboba Reservation" or "Reservation") of the Soboba Band of Luiseño Indians ("Soboba Band" or "Band") to execute a search warrant that was issued based on false statements of an RSO deputy. Having trespassed on the Soboba Reservation to execute its unlawful warrant, the RSO then seized the Tribal Administration building, commandeered the Band's employees to download hundreds of hours of video*

surveillance from over 100 cameras, seized additional video surveillance footage outside the scope of the unlawful warrant, and searched a location on the Reservation without the Tribe's prior consent or lawful authority."

The complaint clearly defines the cooperation of the Council with the Sheriff's missing persons investigation involving Jerome Salgado Jr., by providing access to security videos from both the tribal and casino surveillance camera. The complaint also states that the Tribal Council was never informed that the Sheriff's "Missing Persons Investigation" had become a "Murder Investigation" until the Sheriffs served the Council with a search warrant. The law suit also alleges that the was search warrant was obtained illegally by the Sheriffs department by providing false information to the judge.

In the complaint filed with the U.S. District Court the invasion of reservation is described as follows: *"In the predawn hours of Friday, May 27, 2016, a large, heavily armed force of RSO personnel, including SWAT officers and vehicles, a canine unit and a helicopter, entered the*

Soboba Reservation and presented two warrants, and proceeded to a private residence on Soboba Road to serve the first warrant. Subsequently, by 8:00 a.m., this same force seized and occupied the Soboba Band's Tribal Administration Building, barred persons with lawful business therein from entering the building, threatened to break down the door to the secured room in which the tribal government computer servers were located, threatened to remove the tribal government's computer servers from the Soboba Reservation for an indefinite time period, and continuously preempted the use of the tribal government's computer servers until almost noon on Monday, May 30th."

What is significant is that it will be 64-years on August 15, 2017 since Public Law 280 was forced upon the California Tribes in 1953. And the issue of jurisdiction is still at the forefront. The Soboba law suit is all about the protection of the tribes jurisdictional rights guaranteed by the Constitutional of the United States.

Tribal Chairman, Scott Cozart refused to provide any information to the Soboba Indian Reporter stating *"Since this is still*

in the court system I am in able to comment." Hell, the court document are a public records and although it took a bit of time we were able to find them on the internet. And since it is still in the court system we forwarded a copy to the Soboba Tribal office.

The Tribal Council members were totally offended by the **"Jack-Boot Gestapo"** tactics of the Riverside County Sheriff's. The Soboba council and people of Soboba have been very supportive of the non-tribal community including the local law enforcement and Riverside County Sheriff's Department. However, the Tribal Council it will not allow anyone to exercise **"Jack-Boot Gestapo"** tactics on their people.

The Soboba Tribal Council is absolutely spot-on in filing this law suit because of the flagrant disregarded of the sovereign rights of the Soboba Tribal Government by the Riverside County Sheriff's. Riverside County Sheriff, Mr. Stan Sniff made his position on Tribal Rights very clear. Maybe it's time for the Riverside County Board of Supervisors to re-evaluate the human rights values of Sheriff, Sniff.

By Ernie C. Salgado Jr.,

Soboba June 19, 2017 Tribal Election Results

Enrollment Statue: 114 (NO) and 114 (YES)

TRIBAL COUNCIL ELECTION RESULTS



MR. SHAWN MASIEL

110



MRS. MONICA HERRERA

*195



MR. ISAAH VIVANCO

*134

NOLI SCHOOL BOARD ELECTION RESULTS

Lucille Briones

*143

James Arres

80

Sandy Boniface

*162

Michael Castello

102

Michael Placencia

*117

Virginia Duenaz

59



DISCLAIMER: Ernie C. Salgado Jr. The primary purpose of this newsletter is to provide tribal information to the general membership of the Soboba Band of Luiseno Indians. The *Soboba Indian Reporter* is based strictly on my humble opinion of the numerous tribal matters and issues. It is not intended to represent the views or positions of the Soboba Tribal Council or any individual member of the Council other than my own. As a private and personel newsletter it will be distributed at my own expense by U.S. mail, e mail and my websites. Any reproduction or posting of any data herein in any form or social media is strictly prohibited and any violation will be subject to legal action.



July 1, 2017



AVELLAKA ARVISO: A FAMILY TRADITION

Avellaka Arviso, Hemet High School Girls Softball team 2017 Most Valuable Player (MVP), All Mountain League First Team, All League First Team Tournament team and led the Hemet girls' softball team to the 2017 Mountain league championship and to the CIF playoffs. Not only is she the best girl softball pitcher in the league she is one of the best hitters with the ability to literally hit the ball out of the park. In fact she hit back to back homeruns in Hemet's CIF win over Colton

Her coach praised her for not only her athletic abilities but for her leadership on and off the field. He told the audience at the awards ceremony that her *"Never quit attitude"* was one of her strongest asset. He said *"...when things look bleak during a game and everyone was down she would say" "Give me the ball."* *"Her determination and super positive attitude are assets that will serve her well in life"* her coach added.

Avellaka is a Soboba Tribal member. As an outstanding softball pitchers she follows a family tradition. Her Cousins, Freda Miranda and Geneva Mojado former San Jacinto softball pitching stars preceded her by a decade or more in gaining recognition as outstanding softball pitchers. However, not to diminish the achievements of her cousins it is only fair to understand that the competition in girls' softball has proliferated tenfold over the past few decades.

Avellaka is the daughter of Alfred and Desiree "Salgado" Arviso III, granddaughter of Rose Salgado, Alfred "Charlie" and Frances "Frenchy Basquez" Arviso II. Her Great grandparents: Ernest (Soboba) and Fidelia Salgado Sr., Tony (Pechanga) and Mary "Vita Mojado" (Soboba) Basquez and Alfred "Chief" Arviso I (Rincon).

Avellaka graduated from Hemet high school on May 31, 2017. She is the oldest of two brothers and one sister.



Photos by Desiree Salgado: "You can't hit what you can't see" should be the caption for the photo above. With confidence, control & speed Avellaka delivers the perfect strike.



It's a Family Tradition! Photo above Avellaka with Grandmother, Rose Salgado. photo rights: Great grandfather Alfred "Chief" Arviso on scooter, grandmother, "Frenchy" standing behind "Chief", LuAnn "Mojado" Arviso, (Chiefs left) brother, sister, and cousins all attending her games!

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MARY ANN “MARTIN” ANDREAS: QUALITY TRIBAL LEADERSHIP

By *Ernie C. Salgado Jr.*



Many times as we coup with the daily challenges we wonder why things happen the way they do, when we know that it is the way it is suppose to happen. It is our

way as Indian people to accept the path God has set for us. However, he also gave us free will and how we make the choices and decisions in the direction of how we live our life is totally ours.

For Mary Ann Martin Andreas many of her choices and decisions were painfully hard and others were no brainers. Growing up on the Morongo Indian reservation with her eight brothers and sisters life was not easy and an experience in itself. Growing up in poverty without electricity or running water is only the tip of the iceberg.

Life on the Rez can be brutal as clearly illustrates by Sherman Alexis in his book *“The Absolutely True Diary of a Part-Time Indian.”* As a child Alexie suffered from “Water on the Brain” so he was nicknamed “Hydro-Head” yes, only on the Rez. Mary Ann was no exception to this harsh environment. Who knows, maybe it help prepare her for the sometimes not so nice non-Indian political arena.

She learned her tribal customs, values, and traditions at the family kitchen table from her mother, as well as from her extended family of aunts and uncles.

Mary Ann began her tribal service career long before the official public an-

Guided by her personal motto, *“There is always more to do – each day offers more opportunities to serve.”*

Mary Ann continues to build on her accomplishments and seek new opportunities to secure the future of Morongo tribal members and her fellow Native Americans in the areas of child welfare, housing, health care, vocational training, education and the environment.

nounced date of the mid-1970's.

In reality Mary Ann began her tribal work with the Malki Museum in the late 60's with founders Jane “Pablo” Penn and Kathern “Siva” Saubel. Almost 50-years have passed since and she is still front and center. She is dedicated to preserving the American Indian cultures and traditions.

Prior to her election as tribal chairwoman of the Morongo Band of Mission Indians she served as a tribal council member, a commissioner for the All Mission Indian Housing Authority Board; a tribal delegate for Riverside and San Bernardino County Indian Health, Inc. and as a board member of the Malki Museum. She served four terms as the tribal chairwoman. She is currently serving on the Tribal Council as the vice-chairwoman.

As the chairwoman for Morongo she helped lead the groundbreaking effort to secure the rights of all tribal governments to offer gaming on their lands, culminating in Morongo's 1987 U.S. Supreme Court victory affirming this right. This decision proved to be a watershed moment in the struggle for self-reliance for tribes across the nation.

With the Supreme Court of the United States of America decision secure, Andreas turned her attention to advancing tribal self-determination through gaming rights at the state level.

In recognition of her leadership, more

than 50 tribal officials from across California selected Andreas to lead the Council of tribal leaders in the negotiation the landmark tribal gaming agreements with the State of California. These gaming compacts allowed tribes across California to shed over a century of extreme poverty to become economically self-reliant.

The results were the historic tribal-state gaming compacts and more than 50,000 jobs for California were created and the economic future of California tribes was assured.

The Morongo Tribe, which once lived in poverty, is now self-sufficient and one of the largest tribal employers in California with more than 1,500 employees in gaming and non-gaming enterprises.

Andreas has worked for the progress not only of her own tribe but also for all California Indians. She has served more than 40-years in tribal government and has worked closely with city, county, state and federal lawmakers and staff.

Mary Ann earned an associate's degree in Business Management and was the first Morongo tribal member to attend Harvard University's John F. Kennedy School of Government.

She has been recognized frequently for her dedication and commitment to others, and she has received numerous prestigious honors including the California Lieutenant Governor's Woman of the Year Award,

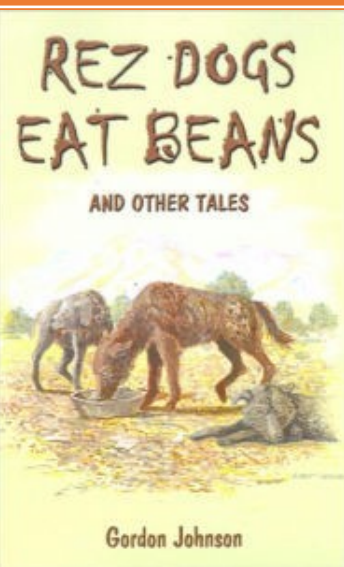
California Black Voice Foundation Woman of Achievement Award, honoree of the United National Indian Youth, Inc., and the National Indian Gaming Association's Tribal Leader of the Year Award. Andreas was honored by the California State Assembly for her contributions toward promoting and preserving California Native American history and culture.

Women's International Center enthusiastically presents the Native American Living Legacy Award to Mary Ann Martin Andreas, a proud Indian woman who speaks for Native Americans everywhere.

Some of her other accomplishments include:

- ◆ 1998- Recipient, National Indian Gaming Association, Tribal Leader of the Year
- ◆ 2000-Served as a featured speaker at the Democratic National Convention 2000-Serving on the Colorado Regional Water Board
- ◆ 2000-First-time-ever recipient of the Lt. Governor's Woman of the Year for the State of California
- ◆ 2000-Recipient of the California Black Voice Foundation Woman of Achievement Award
- ◆ 2000-Honoree and keynote speaker for the United National Youth, Inc. annual conference

Although her work to combat alcoholism and substance abuse in Indian Country is legendary she has received little or no recognition for her efforts. However, those of us who know her are well aware that she don't care about “Recognition” her goal is to get the job done for the betterment of her people. That is the real Mary Ann Martin Andreas.



“Rez Dogs Eat Beans” was written by Gordon Johnson and is a must read book of short stories of life on the Rez. He is a tribal member of the Pala Band of Mission Indians. All thought the book was first published in 2001 it is attracting a new group of readers.

Johnson was a staff writer for the Riverside Press-Enterprise. He attended UC Santa Cruz and UC Berkeley. He is gifted storyteller.

Robert Freeman from the Rincon Band of Luiseno Indians contributed the artwork illustrations for the book. Freeman is an award winning artist and his early works of “Rubber Arrows” and other cartoon publications were very popular.

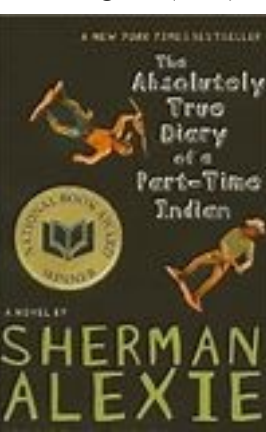
Copies of the book can be purchased on-line at Barnes & Noble or Amazon.

“The Absolutely True Diary of a Part-Time Indian.”

Sherman Joseph Alexie, Jr. (born October 7, 1966) is a Spokane-Coeur d'Alene-American Indian and grew up on the Spokane Indian reservation in the State of Washington and now lives in Seattle. He is novelist, short story writer, poet, and filmmaker. Much of his writing draws on his experiences as an Indigenous American with ancestry from several tribes. He grew up on the Spokane Indian Reservation.



One of his best-known books is *The Lone Ranger and Tonto Fistfight in Heaven* (1993), a collection of short stories. It was adapted as the film *Smoke Signals* (1998), for which he also wrote the screenplay.



His first novel *Reservation Blues* received one of the fifteen 1996 American Book Awards. His first young adult novel, *The Absolutely True Diary of a Part-Time Indian* (2007), is a semi-autobiographical novel that won the 2007 U.S. National Book Award for Young People's Literature and the Odyssey Award as best 2008 audiobook for young people. His 2009 collection of short stories and poems, *War Dances*, won the 2010 PEN/Faulkner Award for Fiction.

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July 1, 2017

Page 4 of 6

Soboba Indian Reporter



MEMORIAL SERVICES

AMANDA ROSE "NANNY" LUGO

APRIL 7, 1961—JULY 16, 2016

SOBOBA INDIAN RESERVATION

No information was provided.

REST IN PEACE AND MAY GOD BLESS YOU



DARREN (BIG D) KITCHEN

NOVEMBER 18, 1986—AUGUST 31, 2016

SOBOBA INDIAN RESERVATION

The memorial services information for Darren has not been released by the family. We will keep you informed.



BENJAMIN A. MAGANTE SR.

"THE LEGEND"

JUNE 1, 1935 - SEPT. 4, 2016

PAUMA INDIAN RESERVATION

The memorial services information for Ben has not been released by the family. We will keep you informed.



WILLIAN "RODDY" RHODES

JANUARY 21, 1960—AUGUST 5, 2016

SOBOBA INDIAN RESERVATION

The memorial services information for "Roddy" has not been released by the family. We will keep you informed.



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WE WANT YOUR NEWS FOR THE

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A TRADITIONAL HONORING AND CULTURAL TRIBUTE TO AMERICAN INDIAN, ALASKA NATIVE AND ALL WARRIOR'S AT THEIR SACRED RESTING PLACE



A warrior's strength is measured by the size of his heart.

A warrior shows love ~ honor ~ respect.

He will stand and fight in the face of adversity. For the ones he loves, he will be their voice and their shield.

A warrior leads by example, always remembering who he is.



On May 30, 2017 I attended my cousin Tony Bentiste one year memorial services on the Soboba Indian reservation. The grave side services were interesting in that while Michael "Tony's son" was attempting to burn the wooden cross cloth wrappings and the cross as well it created a lot of smoke which the breeze carried directly into the mourners. Anyway everyone survived and we ventured to the Tribal sports complex for the traditional lunch. As always it seems that the one-year anniversary rolled around so fast.

While visiting with my aunts, uncles and friends I got to thinking of

some of the stupid things we did when we were kids and how close I was to Tony given our age difference of five-years of which I'm senior. When we were kids we all seemed to run together. I remember one time I think I was around 11, my brothers Bobby and Dumbo were 10 and 8. Dumbo and David, Tony's older brother were the same age and Tony was like 6 but he hung right in there with us as we roamed the Rez. Johnny "Cake" Razon was also part of our little gang. "Cake" was a year older than me.

We were at the baseball field or in the river bottom to the south of the field to be more specific. It was sometime after it had rained and the river had dried out leaving large clumps of dried top soil which we broke up into clods and started throwing them at each other. Thing went well for a while but like always somebody decided to chuck rocks instead of the dirt clods. Well as luck would have it one of the rocks found its mark above one of Tony's eyes causing a good size gash and what seemed like a gallon of blood. Our first

though was to run for it and leave him there but we knew we would get caught and there would be hell to pay. Since we didn't have any water at the ballfield we took off his t-shirt and tied it around his head and walked him home. Boy did we caught hell from aunt Frances. And later

TONY BENTISTE: A GOOD MAN

when my folks found out we got it again. But we still got back together and more mischief.

As we got older we drifted apart but Tony keep us close even when I went on to high school. When I was a freshman Tony was in the fourth or fifth grade or so. During the summer before going into high school I earned enough money to buy my first car, a 1950 Chevy.

Once a week we would have football practice at night so we could scrimmage against the varsity. As soon as school let out Augie Hyde and I would head for my car in the school parking lot only to find Tony, David and my brother, Dumbo waiting in the car. Augie and I really didn't mind so after moving them to the back seat we would head for the drive-in in Hemet. I think it was call Griff's. Anyway we got cokes, fries and burgers and we'd head for home.

We would always go watch him play little league where he was the star player. After I graduated and left the valley for almost 10-years we got together when I returned.

His leadership on the Soboba Men's Club softball team is legendary. What

many people don't know is that his influence in the expansion of intertribal sports.

Before the late 60's and early 70's ball-games between tribal teams was almost non-existent. Today, thanks to people like Tony we have intertribal sports which is not limited to softball but to all sports.



By Ernie C. Salgado Jr.,



July 1, 2017



Southern California American Indian Resource Center, Inc., Receives National Award: Adds New Services: “Howka Project”

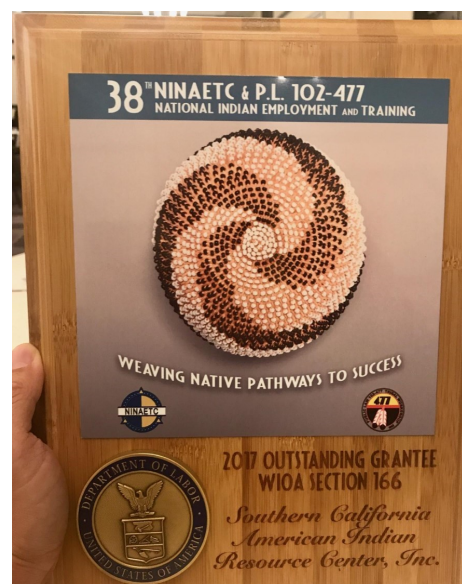
In June 2017 at the national conference for the U.S. Department of Labor in Los Angeles the Southern California American Indian Resource Center, Inc., (SCAIR) was recognized as the 2017 Outstanding Work Initiative Opportunity Act Grantee in the nation funded by the Employment and Training Administration. SCAIR was recognized for it's unique and excellent one-stop-shop approach to job placement by combining a number of in-house services to ensure Participant success including career counseling and case management, academic tutorial, computer training, on-the-job-training, mental health counseling services and much more.

In January of 2017, SCAIR was awarded a subcontract by the Northern California Indian Development Council (NCIDC) to provide Community Service Block Grant funds for eligible low income Native Americans, Alaska Natives and Hawaiian Natives, living in urban areas of San Diego and Imperial Counties.

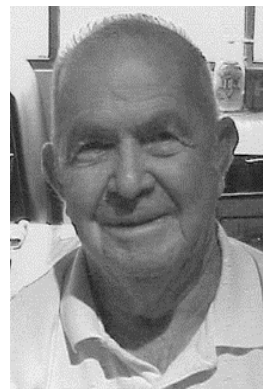
To promote the project SCAIR established the “Howka Project”. “Howka” is “hello”. in the Kumeyaay language. On April 29, 2017 SCAIR hosted an open house at the SCAIR Training Center in El Cajon. Community tribal members attended the event and expressed their continued support for the organization and its services. the blessing of the program was conducted by SCAIR Senior Advisor, Randy Edmonds.

The primary goals of the “Howka Project” is to decrease poverty level within the through a broad range of community and emergency services that provides participants with access to a number of supportive services such as: food vouchers, transportation assistance, clothing for work and job interviews work uniforms and sup-

plies, school supplies, holiday food boxes and other services as needed.



The Southern California American Indian Resource Center, Inc. (SCAIR) was founded 20-years ago by William H. Johnson Sr. (Comanche). in 1997. Mr. Johnson lived his entire adult life in the San Diego area. He understood the daily problems and challenges that the Native Americans living within the San Diego urban areas faced.



Upon his retirement as a lathing contractor he established SCAIR to help all Native Americans living within San Diego County.

SCAIR was formally organized as a non-profit 501(c)(3) community-based tribal organization, established under the authority of P.L. 93-638, the Indian Self Determination and Education Act of 1976.

Over the past 20-years SCAIR has provided many educational and community service programs for the Native American Urban and Tribal Communities.

1997 - SCAIR provided the Tribal Temporary Aid for Needy Families services (Tribal TANF) for the east San Diego County American Indian Tribal community through a contract with the SCTCA.

1999 - SCAIR provided a Tribal Even Start Family Literacy Programs for the Santa Ysabel, Los Coyotes and Mesa Grande Reservations and included the Warner Springs Unified School District. SCAIR also managed an Early Head Start Program at the Barona, Campo, Manzanita, Viejas and La Posta Indian Reservations.

2007 - SCAIR was awarded a contract to provide the Tribal TANF Career Training for the east San Diego County non-reservation American Indian community from the Southern California Tribal Chairmen's Association (SCTCA) and was also designated as an American Indian Education Center by the California Department of Education.

2012 - SCAIR added a second training site in the San Diego's Fairmount area. Later the state-of-the-art Training Center was established in the City of El Cajon.

2013 - SCAIR was awarded a Native American Tobacco-Use Prevention Education (TUPE) grant by the California Department of Education. The organization won a grant through the New York Life Foundation and the National Alliance for Grieving Children to establish the SCAIR “Support and Grief Education” (SAGE) Project.

2014 - SCAIR was awarded a grant by the Department of Labor as a “Workforce Innovation and Opportunity Act” (WIOA) Program recipient. Those funds established SCAIR's Native NetWORKS Program.



The SCAIR Training Center is located at 239 East Main Street, El Cajon, CA 92020. The SCAIR Training Center is 6,000 sq. feet and houses a 30 station computer lab, adult education classes, confidential counseling service, job mentoring and On-The Job Training

For more information, please contact SCAIR at (619) 328-0676.

Mission Statement

SCAIR's mission is to provide career, educational, cultural, mental health and community services to urban and tribal Native Americans and their families. throughout San Diego County.

We work to assist our Participants in reaching their personal and professional goals, by overcoming individual barriers and challenges.



SOARING EAGLES Pow-wow Dance Workshops, 2008 • Sponsored by SCAIR www.scair.org



CORRECTION: Jennifer Garcia is the Soboba Youth Coordinator. We mistakenly said her name was Eric Garcia. Jennifer's office is located at the Soboba Sports Complex. June 2017 marked her seventh year with the tribe. She lives in Hemet and is originally from New Mexico. She informed the Soboba Indian Reporter that a summer youth recreational program is provided at the Sport Complex for youth ages 5 to 11 on Monday, Wednesday and Thursday from 10am to 1pm. Jennifer Garcia can be reached at the 951.654.1319.

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Photo on the right was taken at the Soboba Tribal Cemetery on Friday, June 26, 2017 showing youth, students, adults and elders cleaning and placing the American Flag on the graves of the veterans in preparation for the Tribal Memorial Day Services. There are 51 veterans buried at the cemetery: 32 Soboba tribal members, 12 American Indians from other tribes and 7 non-Indians.

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July 1, 2017

Soboba Indian Reporter



Page 6 of 6



Ernie C. Salgado Jr.

My View—Your View

U.S. Supreme Court Ruled 8-0 For Free Speech Against U.S. Patent and Trademark Office

Sources: Wikipedia, the free encyclopedia and other internet publications

On June 19, 2017 the Supreme Court in a unanimous 8-0 ruling, the court determined the law's so-called "disparagement clause" violates the free speech clause of the First Amendment. "The disparagement clause violates the First Amendment's Free Speech Clause. Contrary to the Government's contention, trademarks are private, not government speech." The Redskins' appeal of their trademark cancellations to the U.S. Court of Appeals for the 4th Circuit in Richmond may now proceed. (*Justice, Neil Gorsuch did not vote because he was not on the court when the case was presented.*)

The majority opinion stated, in part, that "whatever our personal feelings about the mark at issue here, or other disparaging marks, the First Amendment forbids government regulators to deny registration because they find speech likely to offend others." In April 2016, the U.S. Patent and Trademark Office asked the U. S. Supreme Court to review the case.

In December 2015, the Federal Circuit Court of Appeals struck down the prohibition of "disparaging" trademarks in a separate case involving a similar denial of trademark registration to the Asian-American band The Slants.

The court ruled that a federal trademark law banning offensive names is unconstitutional, siding with a rock band whose name had been deemed racially disparaging by the U.S. Patent and Trademark Office. The case centered on Oregon-based, Asian-American band The Slants, which was denied a trademark because its name was considered offensive. The band countered that the 70-year-old law at issue violates free-speech rights and Justice Samuel Alito, in the court's opinion, agreed. "The commercial market is well stocked with merchandise that disparages prominent figures and groups, and the line between commercial and non-commercial speech is not always clear, as this case illustrates. If affixing the commercial label permits the suppression of any speech that may lead to political or social 'volatility,' free speech would be endangered," he wrote.

THE AMERICAN INDIAN'S CASE:



Evidence of disparagement include the frequent references to "scalping" made by sportswriters for sixty years when reporting the Redskins loss of a game, and passages from movies made from the 1940s to the 1960s using "redskin" to refer to Native Americans as a savage enemy. A linguistics expert for the team unsuccessfully

In 1992, Suzan Shown Harjo, with six other prominent Native Americans petitioned the **U.S. Patent and Trademark Office** (USPTO) to cancel the trademark registrations owned by Pro-Football, Inc., the team's corporate entity.

In 1999 the **Trademark Trial and Appeal Board** (TTAB) judges canceled the federal registration of the mark REDSKINS. In 2005 the United States District Court for the District of Columbia reversed the TTAB's decision on the grounds of insufficient evidence of disparagement. Subsequent appeals were rejected on the basis of *laches*, that the Native Americans had pursued their rights in an untimely manner, in other words they were too old.

Another case was filed by younger plaintiffs led by Amanda Blackhorse. On June 18, 2014, the TTAB again voted to cancel the six trademarks held by the team in a two to one decision that held that the term "redskins" is disparaging to a "substantial composite of Native Americans", and this is demonstrated "by the near complete

drop-off in usage of 'Redskins' as a reference to Native Americans beginning in the 1960s." The TTAB majority held that the NCAI represented about 30 percent of Native Americans during the time in question, which the Board found satisfied the substantial composite test. The TTAB also found that the term "Redskin" refers to Native Americans (*rather than having an "independent meaning" as the team sometimes claims*) as shown by the costumes worn by both the cheerleaders and marching band from the 1960s until the 1980s, and the native imagery used on the press guides for many years.



WASHINGTON REDSKINS

On July 8, 2015, District Court Judge Lee affirmed the decision of the Trademark Trial and Appeal Board, denying the team's summary judgment motions challenging the constitutionality of the Lanham Act and granted the Blackhorse Defendants' summary judgment motions, finding that "the evidence before the Court supports the legal conclusion that the Redskin Marks consisted of matter that 'may disparage' a substantial composite of Native Americans." The decision does not bar the team from using the marks and taking other steps to protect other rights to their brand.

On October 30, 2015 Pro-Football, Inc. filed its appeal with the United States Court of Appeals for the Fourth Circuit. In addition to maintaining the validity of all the arguments rejected by both the TTAB and the first appeal, the team has added a list of names they claim are offensive and racist that have been given trademarks, thus making the cancellation of their marks unequal treatment.

However, the Washington Redskins may not be in the clear with their team name just yet, even after the Supreme Court ruled that the government can't block trademarks on the basis that they're offensive. The Supreme Court decision may help the club in its ongoing legal battle, but the fight over the Redskins moniker will continue in social and business realms. The Redskins, Cleveland Indians with their "Chief Wahoo" logo and other professional and college organizations featuring Native American nicknames and mascots cannot be censored by the U.S. government, but that doesn't take the pressure off.

"Just because the Redskins may believe they're in the clear or the Cleveland Indians or even some collegiate teams think they're in the clear, that doesn't mean that those that do business with the team, including its sponsors, are going to take their foot off the gas if they believe change is really required," USC professor of sports business David Carter said. "A positive legal ruling may not yield beneficial business impacts in and around the sports business world because we've seen a heightened sensitivity over the years with this topic."

The Redskins have a separate case that had been on hold in federal appeals court while the Slants decision was rendered. Owner Dan Snyder said he was "thrilled" by the ruling, and lawyer Lisa Blatt said it resolves the team's dispute and vindicated its position.

St. John's University intellectual property law center director Jeremy Sheff said while the Supreme Court has essentially shut the door on legal challenges to the Redskins name, "there can still be social pressure brought to bear



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