



JULY 1, 2018

Happy July 4th

Soboba Indian Reporter

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

Happy Birthday USA 242-Years

July 4, 1776 - July 4, 2018

Getting the Helms Boys Colleges Correct!



Honored parents, Benny III & Fawnee Helms, Benny the IV, and super proud grandparents, Diane & Benny Helms Jr.

The Helms Boys: Benny IV, Jayden and Dakota Helms, the twins as grandparents, Benny (Junie) and Diane Helms affectionately refer to them. OK, now that we're off to a good start with getting the names correct we can move on.

All three graduated from high school in June 2018. Benny IV graduated from San Jacinto High School and (the twins) Jayden and Dakota graduated from high school in Fresno.

In the June edition on page one of the Soboba Indian Reporter we reported that Benny Helms IV would be playing football at Fort Lewis College in Durango, Colorado in the fall. But, we was mistaken, he will be going to Humboldt State University in northern California.



However, the twins, Jayden and Dakota Helms were awarded football scholarships at Fort Lewis College in Durango, Colorado next school year.

They will be playing football for the Fort Lewis College Skyhawk's. The football season start on September 1, 2018 and the final game is on October 6th. The team will play six games.

Fort Lewis College is a small four-year school with less than 3,600 students. The college is also near the Ignacio Indian Reservation in the southwest corner of state boarding on New Mexico.

The Ignacio Indian Reservation is the home of former United State Senator from Colorado, Ben Nighthorse Campbell. He was also a three-term U.S. Representative. And he was an Olympic medalist in the 1960 Games.



While Benny IV will be attending Humboldt State University he will be meeting new cousins. Humboldt is near the Hoopa Indian Reservation where his mother is an enrolled member and like on all reservations "Cousins" are a plenty.

A multi-sport athlete, Benny the IV has been on the baseball, basketball and track and field teams. "Football is by far my favorite sport to play," he told SIR. "Besides the fact that I love the contact, what I think I love the most is that football has taught me so many lessons that I can use to better my future." He added.

Benny the IV will play football for the Humboldt Lumber Jacks.



FRANCES DIAZ TRIBAL HOUSING DIRECTOR SHARES PRIDE IS SOBOBA HOUSING DEPARTMENT

"It has been a short period of time (18-months) for the development of housing at Soboba." Soboba Housing Manager, Frances (Salgado) Diaz told SIR in a recent interview.

When asked what she viewed as accomplishments for the past 18-months. She said. "We have established three home financing options for tribal members;

- 1) Tribal home loan
- 2) HUD 184 Home Loans
- 3) Veterans home loans

"A major accomplishment is that the Soboba Tribal Housing Department is now approved to conduct the Tribal Survey Report (TSR)."

"This is the legal description of the tribal land that the home will be built." She added.

SIR asked her how the approval to conduct the Tribal Survey Report (TSR) helps. She said. "The home loan process can now be completed within a 30 to 45-day time frame depending if it is a tribal, HUD 184 or Veterans home loan as opposed to the BIA timeline of 6-month to 2-years."

"Getting through the BIA bureaucracy is a high anxiety experience that can take up to two-years in some cases to gain approval." "Now we can complete the TSR process within the home loan process." She added.

"Still another of us doing the TSR is that it saves the tribal member from 4 to 6 thousand dollars." She said.

Why is that SIR asked, "Because the Tribal Administrator, Michael Castello had been negotiating a service agreement with the Morongo Tribal Housing Department to do the TSR's over the past couple of years and this was the proposed cost."

When Asked How were you able to gain approval for Soboba to do their own TSR's within a three month

timeframe. She said, "In all fairness with 40-years experience with Tribal Housing comes a lot of personnel contacts."

When asked what the tribal goals were for the future. She said. "Developing more home sites for the tribal members that don't have a land assignment which includes access roads, water, electricity, natural gas and sewer systems." "Also expanding home loan options for the tribal members."

SIR asked her if the new tribal Credit Union would be providing Tribal members home loans. She said. "As of now they are not providing home loans."

Diaz is a Soboba tribal member and was retained by the Tribal Council at the end of the 2016 calendar year to head the Tribal Housing Department.

Frances brings over forty-years of experience in tribal housing to the position. And is recognized on a State and National level for her expertise in American Indian Housing.

Currently she is serving as the Chairwoman for the All Mission Indian Housing Authority (AMIHA).

Under her leadership the All Mission Indian Housing Authority (AMIHA) in order to meet the challenges of economic changes is a majority of the Southern California Indian Reservations County the AMIHA has established a separate department as a non-profit 501(c)(3) to help fill the housing needs of tribal members from the gaming tribes.

This department of AMIHA allows a coalition of tribes to consolidate the 184 loan process as well as contract with the HUD Title VI program which provides funds for the development of the infrastructures such as septic systems, roads, water, electric power and natural gas lines to

name a few.

The New HUD 184 home loan guarantee program provides tribal member that receive "Per Capita" from their tribes with an option to buy a home either on or off the reservation. It also provides option to buy a manufactured home or to construction a home on or off the reservation.

Under the new HUD guideline the tribe can manage the development of a consolidated multi housing development at any reservation location.

The AMIHA can also do this as well with the consent of the member tribal governing body. For example, if a tribe or a group of tribal members wanted to build homes using the HUD 184 loan program at the same time on a reservation the tribe or AMIHA can put all the proposed home to be built into a single construction project that will meet all the requirement of the HUD program. This process allow for the TSR, loan process, environmental assessment and construction to be completed in a one-stop-shop procedure.

The Soboba tribe has established a tribal home loan program of its members through the Tribal Credit Department. However, the Soboba tribal home loan program is limited to tribal member under the age of 60 and only for homes on the reservation.

Under Frances' leadership the Soboba Tribal Housing program can move forward to help tribal members with the sometimes challenging home loan process to getting a home.

Frances can be reached at the Soboba Tribal Administration Office Monday thru Thursdays from 9am - 4pm - phone number 951-654-5544 extension 4145; Or on her cell phone at 951-623-4169. Her work email address is fdiaz@soboba-nsn.gov.



DISCLAIMER: By Ernie C. Salgado Jr.: 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.

The primary purpose of this newspaper is to provide information to the general membership of the Soboba Band of Luiseno Indians. As a private and personal 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 unless authorized and any violation will be subject to legal action.



California Tribal Chairmen Meet To Unite



By Ernie C. Salgado Jr.

HISTORICAL moments are seldom recognized in the making. However, on June 19, 2018 eighty of the one hundred and one California American Indian Tribal Chairmen held an historical one-day reunion in Sacramento for the single purpose of pledging their commitment to the formation of the California Tribal Chairmen's Association.

The Southern California Tribal Chairmen's Association, Inc. (SCTCA) helped sponsored the summit. Denis Turner, Executive Director said, *"It's time for the California Tribes to unite and exercise their sovereign authority."*

Bo Mazzetti, Chairman of the Rincon Band of Luiseno Indians has been the driving force behind the unification of the California Tribal Governments.

"This is not a one-man show" Mazzetti told AIR "A lot of people have contributed to making this reality." he added. *"The SCTCA with Denis Turner stepping up to the plate to make the first meeting a reality."* *"And Northern California Trinidad Rancheria, Chairman, Garth Sandburg and , Kevin Day Tuolumne Rancheria*

Chairman in Central California have worked tirelessly to make this happen."

It has been over 40-years since the California Tribal Chairmen have come together in a united front.

Even with the establishment of Indian Gaming have the States' Tribal Chairmen come together as a collective political bargaining power.

Granted the Gaming Tribes joined forces to protect their interest and in all fairness in an indefinable manner to represent the interest of all the California Tribal Governments. Which is commendable yet, they lacked the political force of a truly collective powers of the Tribal Governments.

The California American Indian Tribes have historically been separated into three regional groups by the Bureau of Indian Affairs (BIA) as Southern, Central and Northern. The separation of the Tribal Government runs even deeper as the BIA effectively pitted one tribe against the other by favoring those tribes that supported the BIA policies. *"BIA*

Indians" or "Hang around the Fort Indians" as we refer to them.

Historical Background: During the formidable years in the late 60's and turbulent 70's the California Tribal Chairmen's Association, Inc., consisting of the majority of the California Tribes and became one of the strongest American Indian organizations in the Country and dominated the tribal political policies in the State.

However, with the passage of Public Law 93-638 in 1975 and implemented in 1976 which allow the Tribal Governments for the first time in the history of the American Indians to contract and manage service provided by the Bureau of Indian Affairs and Indian Health Services.

The Bureau of Indian Affairs strongly opposed the legislation because it threatened its very existence.

The BIA and the tribes both failed to understand the need for co-existence and instead of becoming allies they became adversaries.

The BIA within two years using ruthless tactics that would make

Saul Alinsky proud, was able to bring about the demise of the California Tribal Chairmen's Association. And in kind the Association was able to bring about the failure of the BIA.

While neither the BIA nor the tribes have totally recovered from this impasse the time is here for rectification.

The BIA still exists and has inherent congressional authority over the tribes which it is unable to preform simple because it lacks the funding and the authority to hire qualified people to get the job done.

The disastrous management situation within the BIA gives new meaning to the "Peter Principal." However, as perilous as it seems it is fixable.

The June 19, 2018 meeting of the California Tribal Chairmen resulted in a unanimous referendum to move forward in forming the Tribal Chairmen's Association with the establishment of a nine-member organizing council to develop the organizational documents. Listed below are the names of the nine California Tribal Leaders selected:

- Northern California**
- Chairman Garth Sunberg, Trinidad Rancheria
 - Chairman Buster Attebery, Karuk Tribe
 - Chairman Dale Miller, Elk Valley Rancheria
- Central California**
- Chairman Shawn Davis, Scotts Valley Band of Pomo Indians
 - Chairman Michael Hunter, Coyote Valley Band of Pomo Indians
 - Chairman Raymond Hitchcock, Wilton Rancheria
- Southern California**
- Chairman Bo Mazzetti, Rincon Band of Luiseno Indians
 - Chairwoman Erica Pinto, Jamul Indian Village
 - Chairman Robert "Cita" Welch, Viejas Band of Kumeyaay Indians
 - Denis Turner, SCTCA Executive Director - Consultant.
- The California Association of Tribal Governments a non-profit Tribal Organization has committed to dissolve and transfer their assets to the California Tribal Chairmen's Association as soon as it obtains its non-profit status.

Tribal Sovereignty

Tribal Sovereignty is the U.S. Governments recognition of the power of the Tribal governments to govern itself.

Treaties between United States Government and the American Indian Tribes that granted peace, alliances, trade, and land rights between the two Governments is the foundation for Tribal Sovereignty.

Tribal governments used treaties to confirm and retain such rights as the sovereign right of self-government, fishing and hunting rights and jurisdictional rights over their lands. Treaties did not, as is commonly assumed, grant rights to Indians from the United States. Tribes ceded certain rights to the United States and reserved rights they never forfeited.

Tribal sovereignty preceded the development of the United States Constitution. *"The framers of the Constitution specifically recognized the sovereignty of Indian tribes in Article 1, section 8, clause 3 which identified Congress as the governmental branch authorized to regulate commerce with "foreign nations, among the several states, and with the American Indian tribes."*

The Supreme Court has repeatedly recognized tribal sovereignty in court decisions for more than 160 years. In what is known as the **"Marshall Trilogy,"** the Supreme Court established the doctrinal basis for interpreting federal Indian law and defining tribal sovereignty.

Three bedrock principles resulted from the 19th Century court decisions that continue today to guide the Supreme Court in its interpretation of the respective rights of the federal government, the states, and the tribes:

- (1) by virtue of aboriginal political and territorial status, Indian tribes possessed certain incidents of preexisting sovereignty;
- (2) such sovereignty was subject to diminution or elimination by the United States, by not by the individual states; and
- (3) the tribes' limited inherent sovereignty and their corresponding dependency on the United States for protection imposed on the latter trust responsibility.

NOLI GRADUATES 14 STUDENTS

Fourteen students received the; ir high school diplomas on June 6, 2018.

The Noli graduating class of 2018 included: five Soboba tribal members, Juliana Briones. Junior Medina, Evelyn Modesto, Desiree Smestad and Gilbert Vallejo.

The other nine graduates were: Valedictorian, Viola Chacon a tribal member of the San Juan Southern Paiute Tribe. Elisa Arviso, lipay Kumeyaay Nation of Santa Ysabel, Dallas Chapparosa and Andrew Leyva, Los Coyotes Band of Cahuilla Indians, Arthur Lopez and Jonathan Saucedo, Torres-Martinez Desert Cahuilla Indians, Mia Manuel, Tohono Obdham Nation, Alyssa Soza, Morongo Band of Mission Indians and Jaycob Tewawina, Agua Caliente Band of Cahuilla Indians.

Riverside County Superior Court Judge, Sunshine Sykes was the guest speaker. Judge Sykes is a Navajo and the first American Indian Superior Court Judge in Riverside County.

She told the graduates to never forget who they are and to never forget those that came before them and the sacrifices they made for them to be there today.



NMLS# 273502

TERESA SPRAGGS
SENIOR LOAN CONSULTANT
SPECIAL PHONE LINE
951-314-6160

HUD 184 Tribal Home Loans
Veteran Home Loans — Re-Financing
DON'T WAIT UNTIL IT'S TO LATE!
Call Now!
Serving All Tribes
951-314-6160





PUBLIC LAW 280: TRIBAL RIGHTS AND JURISDICTION

Just a little over a year ago on June 9, 2017 the Soboba Band of Luiseno 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 Luiseno 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 65-years on August 15, 2018 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.

The current status of the case os not known at this time. However, SIR will follow up and share its finding in the August issue of the Soboba Indian Reporter.



In Loving Memory

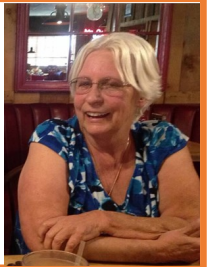
SHIRLEY (FITE) SILVAS

OCT. 18, 1948 – APRIL 19, 2016

SOBOBA INDIAN RESERVATION

REST IN PEACE AND MAY

By Eric C.



AMANDA ROSE "NANNY" LUGO

APRIL 7, 1961—JULY 16, 2016

SOBOBA INDIAN RESERVATION

REST IN PEACE AND MAY GOD BLESS YOU



DARREN (BIG D) KITCHEN

NOV 18, 1986—AUGUST 31,

SOBOBA INDIAN RESERVATION

REST IN PEACE AND MAY GOD BLESS YOU



WILLIAN "RODDY" RHODES

JAN. 21, 1960—AUGUST 5, 2016

SOBOBA INDIAN RESERVATION

REST IN PEACE AND MAY GOD BLESS YOU

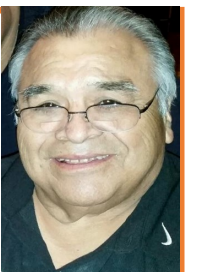


ANTHONY "TONY" BENTISTE

MARCH 2, 1946 — MAY 30, 2016

SOBOBA INDIAN RESERVATION

REST IN PEACE AND MAY GOD BLESS YOU



JEROME SALGADO JR.

MAY 17, 1979 - MAY 20, 2016

CAHUILLA INDIAN RESERVATION

REST IN PEACE AND MAY GOD BLESS YOU



CONTACT INFORMATION

Soboba Indian Reporter

PO Box 366, San Jacinto CA 92581

Email: Sobobaindianreporter@hotmail.com

Cell: 951-217-7205 * Fax: 951-927-4794

WE WANT YOUR NEWS

CALIE.ORG

Number one American Indian Website in the world

OVER 2 MILLION HITS A MONTH * JOIN US & GROW YOUR BUSINESS

K's Originals

Custom Made Handbags

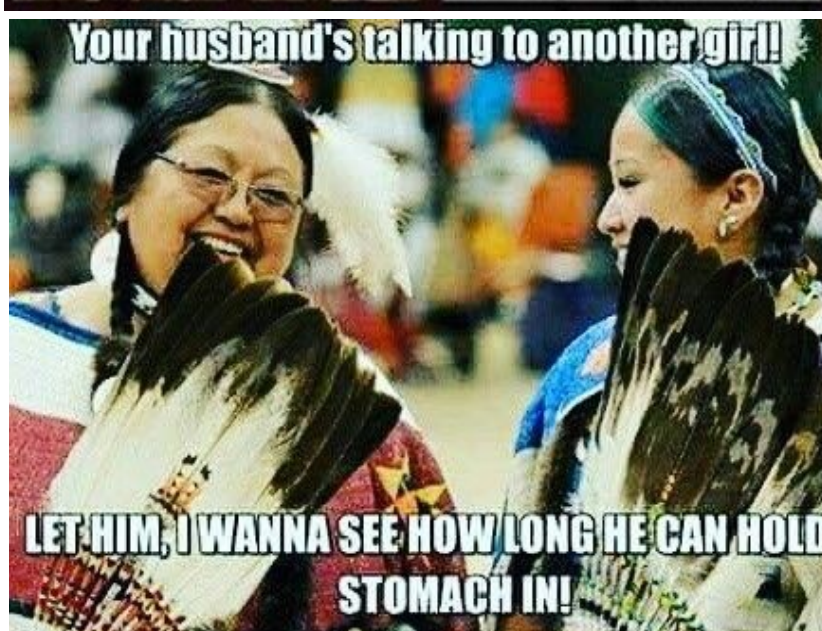
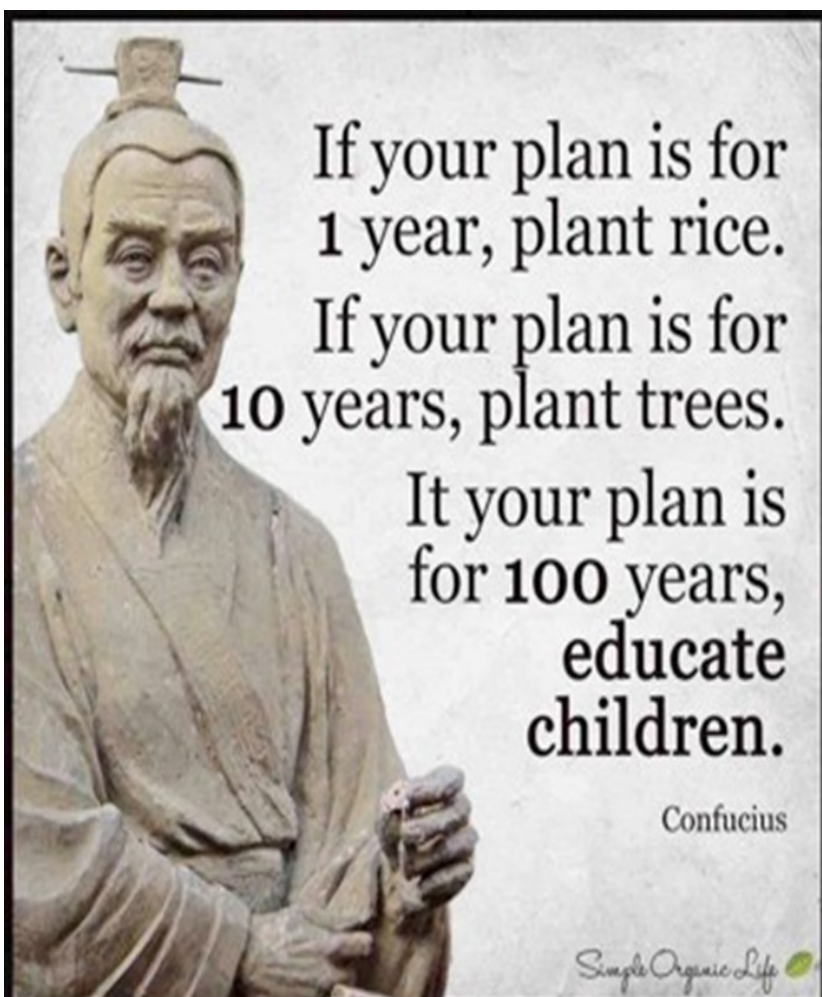
"QUALITY AT AFFORDABLE COST"



HAVE A Happy 4th of July

1.619.792.8517

ckayi4nfo@yahoo.com





My View—Your View

Ernie C. Salgado Jr.

HAPPY
BIRTHDAY
America

SOBOBA TRIBAL MEMBERS AT RISK WITHOUT CIVIL RIGHTS

I told myself not to write this article but sometimes I just can't help myself. I guess I'm like the bug in the movie "Bugs Life" when he was told don't look at the lights and as he looked at the light he said "I can't help it." So since I can't help myself I am going to expose this can of worms.

What is pathetic is that non-American citizens seem to get more protections from the Constitution of the United State of America than the American Indian tribal people. In fact just the other day the Federal Court judge in Hawaii ruled that the Trump travel ban was not legal because it violated the Civil Rights of the non-citizens. And if that's not bad enough the Supreme Court ruled that the U.S. forces in combat fighting the Islamic extremist must read them their Miranda Rights.

Sure the United States Congress passed the **Indian Civil Rights Act in 1968 (H.R. 2516)** stating "The Indian Civil Rights Act of 1968 (ICRA) applies to the Indian tribes of the United States *and makes many, but not all*, of the guarantees of the **Bill of Rights** applicable within the tribes. The legislation also addressed the crises of domestic violence that pledge the American Indian community.

The Act appears today in Title 25, sections 1301 to 1303 of the United States Code. The "*and makes many, but not all*," are troublesome and were not defied

The US Supreme Court had made clear that tribal internal affairs concerning tribal members' individual rights were not covered by the Fifth Amendment to the US constitution. However, the tribes were ultimately subjected to the power of Congress and the Constitution. The court case **Talton v Mayes** helped establish the principles.

There were other court cases over the following years to continue the thoughts "*that tribes were not arms of the federal government when punishing tribal members for criminal acts and that Indian tribes were exempt from many of the constitutional protections governing the actions of state and federal governments.*"

However, in 1978 the Supreme Court totally destroyed the Indian Civil Rights Act of 1968 by it decision in the **Santa Clara Pueblo v. Martinez** court case (1978). *Martinez* involved a request to stop denying tribal membership to those

In the 1960s, Congress held a series of hearings on the subject of the authority of tribal governments. These hearings told about the abuses that many tribal members had endured from the "sometimes corrupt, incompetent, or tyrannical tribal officials." In response, the Indian Civil Rights Act was enacted.

children born to female (not male) tribal members who married outside of the tribe. The mother who brought the case pleaded that the discrimination against her child was solely based on sex, which violated the ICRA.

The Supreme Court decided that "***Tribal common-law sovereign immunity prevented a suit against the tribe.***" The courts decision in the **Santa Clara Pueblo v. Martinez** ultimately strengthened tribal self-determination by further proving that generally, the federal government played no enforcement role over the tribal governments.

In my humble opinion the court got it wrong. In simple language it said the Federal Courts have no jurisdiction over the Tribal Governments with regards to the enforcement of the Civil Rights of the tribal members. Except it did provide for oversight by the courts for any tribal member that may have been detained. However, the Court did not make it clear if "*detained*" includes Federal, State or County facilities. It also failed to address the issue of domestic violence.

Forget the findings of the hearing in the early sixties. Forget that the individual tribal member is an American citizen and entitled to the protection of the Constitution of the United States of America.

It is without question that I totally support Tribal Sovereignty but I also support the individual rights of the tribal members. Remember I'm a Federation Indian and in their Constitution they identify the rights of the individual as well and the sovereign rights of the tribe.

However, there is hope as the individual tribes have the option of approval for the oversight by the Federal Courts to insure that the Civil Rights of the individual tribal members are not violated. Good luck with that! Only a handful of tribes in the Nation have approved this oversight.

Soboba as well as many other tribes have continued to violate the Civil Rights of their members. The most often violation is the excessive fines imposed on the individual tribal members. While the Civil Rights Act prohibits excessive fines for violation in the amount not to exceed what the infraction would cost in the local courts and a maximum of \$5,000. The Soboba Tribal Council regularly fines it members for minor violation in excess of the maximum amount of \$5,000 to over \$50,000. And in some cases much more.

The taking of the individual tribal per capita is by any definition a fine. The General Membership is also guilty of the abuse of individual tribal members by both excessive fires and double jeopardy. And most times these excesses are based on politics as opposed to the proposed violation.

Again, in my humble opinion the Court got it wrong. I fail to see how the decision of the Court enhances self-determination nor do I how "*the federal government played no enforcement role over the tribal governments*" While the federal government taxes the individual tribal members, established regulations and oversight for tribal gaming and allows State governments to enforce State laws via P.L 280.

I am not implying that the current Tribal Council is going to move beyond the current Civil Rights violation of excess fines and in some cases "Double Jeopardy". But we don't know what the future holds.

I believe It is time for the Soboba people to allowing the individual tribal members to seek protection from the Federal Courts for any overreach in violation of the Indian Civil Rights Act of the individual tribal members by the Tribal Council, General membership or Tribal Courts. The individual rights of the tribal members are as sacred as the sovereignty of the tribe.

The lose of your rights doesn't happen overnight, they are taken from you a little at a time until the people in power have total control.

It is happening now but most of the membership either don't understand, don't think it applies to them or they just don't care.

Here are a couple of the most resent examples of how the takeover and the loss of representation comes about.

First, the wife the Soboba Tribal Chairman was hired as a "Consultant" at the casino by the Tribal Council. "***Conflict of Interest***" you bet by any legal definition. The State's legal opinion is that a "Conflict of Interest" exist when the elected or person in authority will benefit directly from the employment of a spouse, sibling, child or parent.

Therefore the argument that the elected official or supervisor does not have any direct authority over the employee or independent contractor is mute. Oh yes, "*The tribe does not come under the laws of the State.*" Splitting hairs but the federal laws do apply and they will echo the State's opinion.

And about the same time the Tribal Council made its first move to micro-manage the casino by making it first "***Political Appointment and/or Promotion***" elevating Jason Cozart to the position of "**Assistant General Manager.**" Jason is the son of Chairman Cozart. "Conflict of Interest?" not by the definition of the State. "***Nepotism***" you bet since the promotion was made by the Tribal Council it was a "**Political Action.**"

As a result of the political appointment of Cozart the General Manager resigned. And rightfully so. I for one was not a fan of the General Manager however, when the line of oversight to political micro-management was crossed he had no other options if he wanted to maintain his professional credibility.

Guess who is now the casino's "Acting General Manager?" Correct, Jason Cozart. The Peter Principal at its finest.

It spears that the Soboba Tribal Council has reverted to the 1980's Bingo management days which proved to be disastrous.

For now we will stop here and not bring up all the other issues of concern.

THE INDIAN CIVIL RIGHTS ACT OF 1968

No Indian tribe in exercising powers of self-government shall –

1. make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
2. violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
3. subject any person for the same offense to be **twice put in jeopardy**.
4. compel any person in any criminal case to be a witness against himself;
5. take any private property for a public use without just compensation;
6. deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witness against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of a counsel for his defense;
7. require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no

- event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year and a fine of \$5,000, or both
8. deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law
9. pass any **bill of attainder or ex post facto law**; or
10. deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

The legislation also addressed the crises of domestic violence that pledge the American Indian community. The act also requires tribal courts to afford due process and other civil liberties. Also, Native American courts try to provide a setting similar to that of a US courtroom, which is familiar to lawyers.^[5] That aided the attorneys, and it helped divert non-Indian ridicule and established the view that tribal courts were legitimate courts. Tribal courts adopted rules of evidence, pleading, and other requirements similar to those in state and federal courts.

The ICRA incorporated many constitutional protections but it modified others or did not include them at all. "The law did not impose the establishment clause, the guarantee of a republican form of government, the requirement of a separation of church and state, the right to

a jury trial in civil cases, or the right of indigents to appointed counsel in criminal cases." The provisions were excluded because the government recognized the different political and cultural status of the tribes.

Even though the federal government respected their individuality in this respect, the establishment of the ICRA caused the tribal governments to "mirror" modern American courts and procedures.

Under the current legal status of the Indian Bill of Rights as decreed by the Supreme Court of the United States of America the Tribal Council, General Membership or Tribal Courts can without any penalty or appeal violate and abuse the individual Civil Rights of the tribal members.

The United States Government does not have the authority to enforce the 10 Civil Rights for tribal members if the tribal government doesn't want to implement them. The General Membership of the Tribe must approve a statue to allows the individual tribal member to appeal their case to the Federal Courts if they believe their Civil Rights have been violated by the Tribsl Government or its enmities.

It has been 49-years since the United States Congress passed the **Indian Bill of Rights** and 39-years since the Supreme Court voided it. You think it is time for the tribal members to seek protection under the **Indian Bill of Rights**?