



# WESTERN STATES SHERIFFS' ASSOCIATION

4718 Ponderosa Drive • Carson City, NV 89701-6735

## 2004 BOARD OF DIRECTORS

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Twin Falls Co., Idaho

**2<sup>nd</sup> VICE PRESIDENT**  
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Tehama Co., California

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Carson City Co., Nevada

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Malheur Co., Oregon

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Sheriff Mike Burgess (Custer Co.)  
Sheriff John Whetel (Oklahoma Co.) Alt

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Sheriff John Raichi (Clatsop Co.)

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Sheriff Brad Slater (Weber Co.)

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Sheriff David Reikert (King Co.)  
Sheriff Gary Edwards (Thurston Co.)  
Sheriff John McCroskey (Lewis Co.) Alt

**WYOMING**  
Sheriff Jim Pond (Albany Co.)  
Sheriff Dorey Gluck (Laramie Co.)  
Sheriff Mark Benton (Natrona Co.) Alt

## AGENDA

Saturday, 1:00 p.m.  
June 26, 2004

Washington Convention and  
Trade Center, Seattle, Washington

1. Call to Order, President Hank Ruland
2. Roll Call of States & Introduction of Attendees - Sec/Trea. Paul McGrath
3. Treasurer's Report for period ending 3/31/04 - Paul McGrath
4. Review & Comments from the 2/19/04 Annual Meeting, Reno, Nevada
5. **OLD BUSINESS**
  - A. Dividing the 9<sup>th</sup> Circuit Court of Appeals
  - B. Sovereign Immunity of Indian Tribes - State Assoc. Meetings since 2/04 & involving individual state legislatures w/lobbying efforts & resolutions
  - C. Corporation Sponsorships/Guidelines
  - D. USFS appropriations for contracts w/local sheriff's jurisdictions
  - E. HR2671, Criminal Alien Removal Act - Resolution to support or modify
  - F. Additional compensation for Exec. Director
6. **NEW BUSINESS**
  - A. H.R. 2242 - Tribal Governments Amendments to the Homeland Sec. Act
  - B. S.B. 2278 - Bill to divide the 9<sup>th</sup> Circuit into three separate courts (4/1/04)  
(1) 9<sup>th</sup> CA, Guam, Hawaii & N. Marianas Isl (2) 12<sup>th</sup> AZ, NV, ID, & MT  
(3) 13<sup>th</sup> AK, OR, & WA w/new court headquarters
  - C. RMIN/WSSA Training July 7-9, Reno, Nevada for member states
  - D. BLM/Sheriff's Manager Training, Washington DC Nov. 11-18, 2004
  - E. Resolution WSSA 2004-02, Supporting Elected position of Sheriff
7. **OTHER BUSINESS**
  - A. 2005 Annual Meeting Training Schedule and location
  - B. Scheduling 2004 fall and winter business meeting
  - C. Update on Military Style Assault Weapons Legislation (information only)
  - D. Comments from Attendees
  - E. Adjournment

5/01/04



# WESTERN STATES SHERIFFS' ASSOCIATION

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## 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**

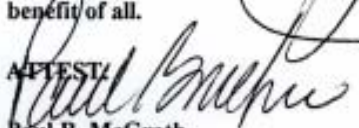
**WHEREAS, a number of recognized Indian Tribes throughout the West and the United States have expanded their reservations by purchasing public and private lands for the purpose of augmenting or engaging in on and off reservation commercial and other enterprises; and**


**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 19<sup>th</sup> 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 108<sup>th</sup> Congress, and pass suitable and equitable legislation addressing these concerns for the benefit of all.**

**ATTEST:**

  
**Paul B. McGrath**  
Secretary

  
**JIM DUPONT**  
President

#### 2003-04 BOARD OF DIRECTORS

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Sheriff Jim DuPont  
Flathead Co., Montana

**1<sup>st</sup> VICE PRESIDENT**  
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Sublette Co., Wyoming

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Sheriff Clay Parker  
Tehama Co., California

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Sheriff Gary Butler (Navajo Co.)

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Sheriff Patrick Hodges (San Luis Obispo Co.)

**COLORADO**  
Sheriff Dan Comarino (Pueblo Co.)  
Sheriff Joe M. Morales (Summit Co.)  
Sheriff Russell Cook (Jefferson Co.) All

**IDAHO**  
Sheriff Walt Fanning (Blaine Co.)  
Sheriff Chuck Reynolds (Shoshone Co.)

**MONTANA**  
Sheriff Tony Harbaugh (Custer Co.)  
Sheriff Jim Campbell (Gallatin Co.)

**NEVADA**  
Sheriff Neil Harris (Elko Co.)  
Sheriff Tony Dehno (Nye Co.)

**NEW MEXICO**  
Sheriff Darren White (Bernalillo Co.)  
Sheriff Roger Handker (Curry Co.)

**OKLAHOMA**  
Sheriff F. DeWayne Beggs (Cleveland Co.)  
Sheriff Russell Corrie (Osage Co.)

**OREGON**  
Sheriff Tim Evinger (Klamath Co.)  
Sheriff Andrew Bestle (Malheur Co.)

**TEXAS**  
Sheriff Tommy Thomas (Harris Co.)  
Sheriff James Hodges (Refugio Co.)

**UTAH**  
Sheriff Kirk Smith (Washington Co.)  
Sheriff Brad Slater (Weber Co.)

**WASHINGTON**  
Sheriff David Reichen (King Co.)  
Sheriff Gary Edwards (Thurston Co.)  
Sheriff Pats McCroskey (Lewis Co.) All

**WYOMING**  
Sheriff Jim Pond (Albany Co.)  
Sheriff Mark Berton (Natrona Co.)



# WESTERN STATES SHERIFFS' ASSOCIATION

4718 Ponderosa Drive • Carson City, NV 89701-6735

## RESOLUTION WSSA 2003-07

### SUPPORTING LEGISLATION TO CLARIFY 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 that 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 enables 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

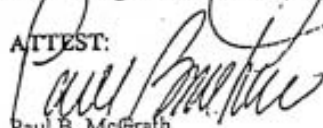
WHEREAS, a number of Indian tribes throughout the West and the United States have expanded their reservations by purchasing public and private lands for the purpose of augmenting or engaging in on and off-reservation commercial and other enterprises; and


WHEREAS, Indian tribes are engaging in commercial enterprises with non-Indian, 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 21<sup>st</sup> day of June, 2003, at the Western States Sheriffs' Association regularly scheduled meeting in Nashville, Tennessee, 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 108<sup>th</sup> Congress, and pass suitable and equitable legislation addressing these concerns for the benefit of all.

ATTEST:

  
Paul B. McGrath  
Secretary/Treasurer

  
JIM DuPONT  
President

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Sheriff Patrick Hodges ( San Luis Obispo Co.)

**COLORADO**  
Sheriff Dan Corazzino ( Pueblo Co.)  
Sheriff Joe M. Morales ( Summit Co.)  
Sheriff Russell Cook ( Jefferson Co.) Alt

**IDAHO**  
Sheriff Walt Fanning ( Blaine Co.)  
Sheriff Chuck Reynolds ( Shoshone Co.)

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Sheriff Jim Cashell ( Gallatin Co.)

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Sheriff Neil Harris ( Elko Co.)  
Sheriff Tony DeMoo ( Nye Co.)

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Sheriff Roger Hatcher ( Curry Co.)

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Sheriff Russell Cottle ( Osage Co.)

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Sheriff John McCroskey ( Lewis Co.) Alt

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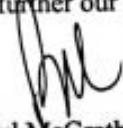
## MEMORANDUM

Date: February 19, 2004

Subj: **TRIBAL SOVEREIGN IMMUNITY**

The attached represents correspondence to each and every Congressional Representative within the thirteen western states. In addition, meetings held with Senators Orin Hatch and Robert Bennett's staff in Ogden, Utah and Representative Jim Gibbons in Reno indicated action by Congress is necessary. The Inyo vs. Bishop Tribe Supreme Court decision was reviewed and copies provided to the senators and congressman. A response with respect to our Resolution and some congressional action is anticipated. Also attached are news article about this issue.

Some of the states have passed similar resolutions or directed correspondence/personal contacts with their state Congressional Representatives to further our efforts to provide legislation to clarify sovereign immunity.

  
Paul McGrath  
Executive Director





# WESTERN STATES SHERIFFS' ASSOCIATION

4718 Ponderosa Drive • Carson City, NV 89701-6735

December 18, 2003

Representative Jim Gibbons  
Second District, Nevada  
400 S. Virginia Street, Ste 502  
Reno, Nevada 89501

Attn: Ms. Jodi Lee Isom Stephens

Dear Ms. Stephens:

The material requested from our meeting yesterday with Congressman Jim Gibbons is attached. As noted, the Supreme Court's decision of May 19, 2003 (Inyo County, California, et al., v. Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony et al.) has been included. This court decision came after this association has drafted and considered our WSSA 2003-07 at last year's annual meeting. In dealing with new legislation by Congress consideration should be given to sovereignty already given to individual tribal reservations and colonies. It is our belief that sovereignty pertains to:

- (1) Individual tribes to determine their own membership;
- (2) To direct and manage governmental services on the reservation/colonies for their members;
- (3) Provide for their members public safety/ police services; and
- (4) Administer their estates through their court systems.

The attached draft Resolution will be considered during our February meeting in Reno. As noted, this Resolution deals with a number of issues that have caused individual local jurisdictions considerable problems when tribes claim "immunity" because of their sovereignty. Reservations and colonies when dealing with local jurisdiction should be considered the same as a city within a county, or a county within a state. Local laws should also pertain to the individual tribes, with limited immunity with the tribal members.

On a final note, the Resolution to divide the 9<sup>th</sup> Circuit Court of Appeals in the 1996 bill, separated Nevada along with the other states, but retained a portion of Arizona to be under the jurisdiction of the 9<sup>th</sup> Circuit.

Sincerely,

  
Paul B. McGrath  
Secretary/Treasurer

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