

CHEMEHUEVI INDIAN TRIBAL COURT

Physical Address: 1990 Palo Verde Drive, Chemehuevi Indian Reservation

Mailing Address: P.O. Box 1930, Havasu Lake, CA 92363

Court Personnel: The Honorable Robert Moeller, Chief Judge

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INFORMATION SHEET – APRIL 2013

CHEMEHUEVI INDIAN TRIBE(Tribe): After many years of attempts to reorganize, the Chemehuevi Indian Tribe became a federally recognized tribe on June 5, 1970 when it organized under the Indian Reorganization Act of June 18, 1934, as amended, and its first Constitution was approved by Harrison Loesch, Assistant Secretary of the Interior, and signed by a Mr. Hondrum, who appears to have been the Superintendent (or Acting) of the Colorado River Agency, since he was also the Secretarial Election Board Chairman. (Other members of that Board were Wendell Goodman, Sr., and Mio Hanks.) The Tribe established the first Friday in June of each year as a Tribal holiday and we hold our annual "Nuwuvi Days" Celebration on the first weekend in June of each year to commemorate the approval of our first Constitution.

The Tribe's first official 9-member Tribal Council was elected to office on October 10, 1970. The newly elected Council consisted of the following: Ralph Esquerria, Chairman; Edward D. Smith, Vice-Chairman; Georgia Culp, Secretary-Treasurer; Mio Hanks, Gertrude Hanks Leivas, Rosie Martinez Leivas, Herbert W. Pencille, John W. Pencille, Frank G. Smith.

Before the Constitution was approved in 1970, a committee of persons believed to be of Chemehuevi descent, was established. That Committee, which was sanctioned by the BIA, became known as the "Special Committee for Chemehuevi Affairs" and its members were as follows: Mary Lou Brown, Georgia Laird Culp, Dan Eddy, Sr., Jesus "Tudy" Esquerria, Leandro Esquerria, George Fisher, Gilbert Leivas, Richard Leivas, Nina Murdock, John Pencille, Herbert Pencille, Ray Pennunuri, Marlene Smith Russell, Ernest Smith, and Phillip Smith.

The Special Committee, with Jesus "Tudy" Esquerria as its Chairman, remained in office until the October 10, 1970 election of the first Chemehuevi Tribal Council. The Special Committee was responsible for development of the Tribe's first Enrollment, Election and Housing Ordinances, among a few other Tribal laws, all of which were later ratified by the official newly elected Chemehuevi Tribal Council. The Special Committee was actually also responsible for much of the initial legwork that went into establishing our Tribal Government.

Only four (4) members of the Special Committee, these being Georgia Laird Culp, Nina Murdock, John Pencille and Herbert Pencille, chose to enroll in and become members of the newly reorganized "Chemehuevi Indian Tribe". The other Committee members are all believed to have remained members of the Colorado River Indian Tribes (CRIT).

SUBSEQUENT AMENDMENTS TO CHEMEHUEVI CONSTITUTION:

1. On October 30, 1976, the first Secretarial Election to amend the Constitution was held by the BIA and the amended Constitution was approved by the voting membership and, subsequently, by Ben Reifel, Commissioner of Indian Affairs, Department of the Interior, on December 9, 1976. It was also signed by William J. Lawrence, who was the Superintendent of the Colorado River Agency-BIA, and the Chairman of the Secretarial Election Board. (Other Board members were Betty McDonald and Nina M. Murdock) The newly amended and approved Constitution did several things, probably one of the most important of which was that December 9, 1976 was established as the cut-off date for members to be enrolled in the Tribe as "base enrollees", which

meant that every person of Chemehuevi descent who applied for membership and was enrolled in the Tribe after that date had to be a "base enrollee descendant" under the age of 21 OR had to be "adopted" into the Tribe, which was an annual process – one that occurred only during annual general membership meetings because 2/3 (two thirds) of the voting membership present and voting at the annual meetings had to vote to approve their adoption. Before that could be done, the names of prospective adoptees had to be placed on an adoption list, which was subject to the Enrollment Committee's approval AND the approval of 2/3 (two thirds) of the Tribal Council's approval as well. Also, notice of the prospective adoptees names had to be provided to the membership at least 30 days prior to the date of each annual meeting.

2. On February 14, 1977, the Constitution was amended for the second time by eligible Tribal voters to, among other things, add a citizenship requirement to the effect that persons who subsequently became members of the Tribe had to be US citizens; to lower the blood quantum for eligible voters from 1/8 to 1/16 degree Chemehuevi blood; and to change the terms of Council members. A Secretarial Election was held and the amended Constitution was approved by John Artichoker, Jr., Phoenix Area Director, on April 21, 1977, and by William J. Lawrence, Superintendent of the Colorado River Agency-BIA, who was also Chairman of the Secretarial Election Board. (Other Board members were Betty McDonald and Nina M. Murdock.)
3. On January 9, 1993, the Constitution was amended for the third time by eligible voters of the Tribe to change many of its provisions and requirements pertaining to the Chemehuevi Tribal Council, the annual general membership meetings, election provisions, and to add a "Bill of Rights". The amended Constitution was approved by Assistant Secretary of the Interior Eddie F. Brown on January 27, 1993 and also signed by Alph Secakuku, Superintendent of the Colorado River Agency and Chairman of the BIA's Secretarial Election Board. (Other Board members were Ronald D. Escobar, Irene L. Kellywood, Winona L. Lumpmouth, and Donna Peterson.)
4. On May 6, 2008, the Constitution was - for the fifth time, amended by eligible Tribal voters to limit eligibility for membership in the Tribe to persons who possess one thirty-second(1/32) degree or more Chemehuevi blood and to delete or do away with the provisions for adoption into the Tribe. The amended Constitution was approved on May 22, 2008 by Allen J. Anspach, Director, Western Regional Office-BIA, representing the Secretary of the Interior, and signed by Louira J. Waco, Superintendent of the Salt River Agency-BIA, and whom I believe was Acting Superintendent of the Colorado River Agency and Chairman of the Secretarial Election Board. (Also on the Board were Irene Kellywood Esquerra, Lois Lopez, Donna Peterson and Wynona Lumpmouth).

The voting membership present at the April 2011 annual meeting of the Tribe voted in favor of calling for a Secretarial Election for the purpose of amending the Constitution for the sixth time, this time for the purpose of allowing all members of the Tribe to vote; however, no election was called or held. During the April 2012 annual meeting, the voting membership present voted again in favor of amending the Constitution to allow all members of the Tribe to vote. The Tribe is currently still waiting for the BIA to reschedule a Secretarial Election that was to be held on April 9, 2013 so that the voting members of the Tribe could vote for or against a proposed Constitutional amendment that would allow all members of the Tribe to vote in Tribal elections.

The Tribe and its Reservation are under the Federal administrative jurisdiction of the Bureau of Indian Affairs (BIA)-Colorado River Agency, located in Parker, AZ; the BIA's Western Regional Office, located in Phoenix, AZ; and the Department of the Interior-BIA, located in Washington, DC.

CHEMEHUEVI INDIAN RESERVATION(Reservation): The Reservation was established by Secretarial Order on February 2, 1907 and is located along the western bank of the Lower Colorado River in Chemehuevi Valley, San Bernardino County, California.

In the late 1930's, the Reservation was reduced to approximately 28,000 when lands were taken by the Federal Government pursuant to the Act of August 30, 1935, which authorized the construction of Parker Dam on the Lower Colorado River. The construction of Parker Dam formed "Havasu Lake", a reservoir that inundated Tribally populated Reservation lands along the river and forced the Chemehuevi families that lived there to relocate elsewhere – to other reservations and towns near and far in order to subsist.

The land on the California shore that was taken resulted in the Tribe's being denied access to its water supply, namely the Colorado River/Havasu Lake; the Chemehuevi Reservation was landlocked. What was left to the Tribe was predominantly very rocky, rugged terrain filled with big and small hills and dales, washes and gullies. The land was primarily undevelopable without going to great expense to put in the necessary infrastructure – roadways, electricity, telephone, water and sewer services, all necessary to the success of human habitation and economic development of the Reservation.

The most developable property along the western shore of Havasu Lake was the land taken by the Federal Government and placed under the control of various Federal agencies, including the Bureau of Land Management and/or Bureau of Reclamation, and the Bureau of Sport Fisheries and Wildlife. This land was leased to various non-Indian concessionaires and to other individuals as "residential home-sites". It wasn't until 1974 that the Reservation's former shoreline property that had been taken for but was not used for the Parker Dam project and the resultant reservoir, was restored to the Reservation by Secretarial Order. Per the "shoreline agreement" the Tribe entered into for the restoration of that property, the Tribe subsequently purchased the improvements to Havasu Landing, Inc., (now Havasu Landing Resort) but was forced to honor the residential permits in the area commonly called the "Colony" until all residential permits expired in the mid-1990's. The Secretarial Order of 1974 restored several thousand acres to the Reservation; today it is approximately 32,000 acres in size. Most of the Tribe's existing development is along the shoreline in the northern portion of the Reservation. The only development in the southern portion of the Reservation is "Havasus Palms", a mobile home park near Parker Dam, on land leased to non-Indians.

The Reservation surrounds two full sections and one partial section of land that was set aside by the Federal Government as "school land" (Section 36) and "railroad land" although the set-aside lands were never used for the purposes intended and subsequently became deeded land. A section of land is 640 acres in size. A portion of the Reservation's northern shoreline lands, from Catfish Bay on up, were also reserved as part of the "Havasus Wildlife Refuge".

WATER RIGHTS: In 1964, in a case entitled Arizona v. California, the Supreme Court allocated 11,343 acre feet of Colorado River water to the Tribe under the Winters' Doctrine. It was determined that this quantity of water was required "to supply the consumptive use for irrigation of 1,900 acres" of what was referred to in the litigation as "practicably irrigable" Reservation land. These lands have been set aside for agricultural purposes.

RESERVATION POPULATION: As of March 2013, the Tribe's Enrollment Department reported that the Tribe had approximately **1,053** members, about **480** of whom were voting members. The total number of enrolled Tribal members residing on the Reservation is believed to be around **250**, and the total number of non-Tribal members residing on the Reservation is around **780**. The non-Tribal members are predominantly non-Indian residents of the Havasu Landing Resort's mobile home parks. The figure **780**, includes non-Tribal members who are a part of Tribal member families/households but does not include residents of the non-Indian lease site known as "Havasus Palms", nor non-Indian residents of areas within the exterior boundaries of the Reservation referred to as "Section 36" and "Railroad land".

TRIBAL HOUSING: In the 1970's the Tribe established "Home-site #1" as a temporary housing (mobile homes) site for Tribal members who wished to relocate to the Reservation. It also joined the All Mission Indian Housing Authority (AMIHA) in order to pursue, through the Department of Housing & Urban Development (DHUD), the construction of low income homes on the Reservation for members of the Tribe. It took many years, but in the fall of 1980, the construction of 25 three and four bedroom homebuyer units and 10 low rent units was completed on North and South Valley Mesa Road with DHUD funding. In March 1985, the Tribe withdrew its membership in AMIHA and established the Chemehuevi Housing Authority and applied to DHUD for more federally subsidized homes. In 1988, a second increment of 50 rental units were constructed with DHUD funding on East and West Palo Verde Drive; these were two, three, and four bedrooms in size. Between 1995 and 2010, 5 one-bedroom rental units were constructed for the elderly/disabled/handicapped Tribal members; then 5 more one-bedroom/singles rental units were constructed with DHUD funds; and, lastly, 10 more one and two bedroom rental units were constructed, thanks to funding from the USDA. These newer housing projects are all located on Sunrise Trail.

In the mid-1990's, residential permits in the area still often referred to as the "Colony" all expired and the Tribe chose not to renew the permits. What it did instead was open up the "Colony" for homesteading by Tribal members and their families, some of whom now live in homes previously occupied by non-Indian permittees and others of whom have since either "fixed" or torn down existing residences and, if they were able to, replaced them with new mobile homes. For some, "fixing" or "replacing" existing residential structures has been a financial nightmare. There are 113 lots in the "Colony"; according to the Tribe's Realty Specialist.

TRIBAL LAW ENFORCEMENT: The Tribe does not have and has never had its own "police department". However, in the late 1970's, the Tribe established the Chemehuevi Wildlife Law Enforcement Department through funding from the Bureau of Indian Affairs' (BIA), and its Game Wardens were commissioned BIA police officers trained at an Indian Police Academy and authorized to carry firearms. The BIA-funded program came to an abrupt halt in the mid-1990's when the Tribe was notified by the BIA that it was not entitled to or even eligible for Wildlife Law Enforcement funding from the BIA because the Reservation is located in California, a Public Law 280. Since then, the Tribe has not had any "peace officers" other than a Conservation Officer who is limited as to what Tribal laws he may enforce. The services of Security officers employed by Tribal enterprises known as the "Havasupai Landing Resort" and "Havasupai Landing Casino" are limited to those enterprises, as are the services of the Security officer employed by the Chemehuevi Department to patrol the Tribal housing area by vehicle. None of the "Security" personnel mentioned may carry weapons.

It should be noted that, in early 1992, the Council did enact an ordinance authorizing the establishment of a "Tribal Police Department"; it has not been rescinded, so - maybe someday we will have a police department. In the interim, officers of the San Bernardino County(SB County) Sheriff's Department, two (2) of whose Deputies are stationed on property abutting the Reservation, patrol the Reservation and non-Tribal lands (i.e. Section 36) within the Reservation and enforce County and State laws. However, they have limited knowledge of Tribal laws and in fact - to this writer's knowledge, have no authorization to enforce civil regulatory laws on the Reservation except as provided for in mutual agreements with SB County, such as the agreement regarding Domestic Violence Orders of Protection and child protection. Insofar as is known, the only other mutual agreements the Tribe has entered into with SB County agencies are for fire protection and the enforcement of laws pertaining to the waterways (Havasupai Lake/Colorado River).

CHEMEHUEVI INDIAN TRIBAL COURT(Tribal Court): The Tribal Court is a court of limited jurisdiction. It has a Chief Judge whose Judicial Services Contract must be approved and renewed by the Chemehuevi Tribal Council annually and compensation to whom must also be approved by the Council. He receives mileage at a Tribally approved rate for his round trip drive to the Reservation from his residence in Phoenix, Arizona, a distance (roundtrip) of some 460 miles, whenever his presence is required for Court hearings and other Court-related matters or as requested by the Council. In addition to the Chief Judge, the Court has a full-time Clerk. The Tribe's Conservation Officer serves as Court Bailiff and process server on an "as needed" basis.

The Court's hours of operation are 7:30 AM to 4:00 PM, Mondays through Fridays of each week except on Council-approved holidays, and when the Court Clerk is on approved leave.

FUNDING LIMITATIONS: What Tribal Court funding the Tribe has received from the Federal Government since the mid-1980's has always been minimal. The Tribe is under the jurisdiction of the Colorado River Agency-BIA, and the funding allocated to the Tribe is used for the operation and management of the Tribe's Judicial Services Program(Court), as well as its Education Programs (Higher Education, Adult Vocation Training and Johnson-O'Malley Programs), Indian Child Welfare Program, Realty Services, Conservation Department, and the Agriculture Department. The Indian Health Service (IHS) funds other Tribal Programs/positions, including the Community Health representative (CHR) Program, Diabetes Coordinator, Alcohol and Substance Abuse Prevention (ASAP) program.

Funding limitations can mean many things for the less wealthy tribes who depend on federal funding to operate and manage or provide programs and services for the benefit of their members. Sometimes, as in the case of the Tribal Court, the Tribe must supplement the funding it receives from the BIA in order to

keep a program operational. The provision of judicial services to Tribal members and others who are subject to or consent to the jurisdiction of the Tribe is necessary as no other judicial services are available(in California) within a 40-45 mile radius of the Chemehuevi Indian Reservation.

Because of limited funding, severely limited space and the lack of a Tribal police department, the Tribal Court has not applied to undertake various other programs and services which would serve the needs of and enhance the Tribal community.

TRIBAL LAWS (codes, ordinances, regulations and policies): Among the types of cases heard by the Tribal Court are the following: joint petitions for divorce, contract disputes, petitions for orders of protection stemming from domestic violence incidents, child welfare matters, joint petitions for divorce, small claims and tort claims actions, name changes and birth certifications, protection and conservation of Tribal resources through enforcement of the Tribe's Conservation Code, animal control enforcement, complaints for unlawful detainer, and election disputes. Civil marriages may also be performed on the Reservation by the Chief Judge.

Any Tribal member may request copies of the Chemehuevi Constitution and any laws that are enacted by the Tribe. They may be obtained from the Tribal Secretary-Treasurer, the official keeper of Tribal records.

FILING COMPLAINTS WITH THE TRIBAL COURT: Petitions or application forms for filing various complaints or actions with the Tribal Court are available for the cost of copying at \$.25 (twenty-five cents) per page. Fees to actually file a complaint with the Court vary, depending on the type of complaint or action it is, and must be paid in the form of a money order or check made payable to the Chemehuevi Indian Tribal Court and given to the Court Clerk.

NEED LEGAL ASSISTANCE?: The Tribe has several attorneys that it contracts with but who are limited to providing services to the Tribe and its subdivisions(Tribal Administration, Housing Authority, Havasu Landing Resort, Havasu Landing Casino), UNLESS the Tribal Council approves a Tribal Attorney's representation of a Tribal member.

As in the past, California Indian Legal Services (CILS) and the Southern California Tribal Chairmen's Association (SCTCA) still provide assistance on certain legal matters to Native American Indians who reside within the State of California AND who otherwise qualify for their services. If you need legal assistance or representation OR want further information, you may call CILS at the numbers listed below for your area in California or you may call SCTCA, whose number is also listed below.

CILS – Eureka Office: 707/443-8396 OR 800/347-2402

CILS – Escondido Office: 760/746-8941 OR 800/743-8941

CILS – Bishop Office: 760/873-3582 OR 800/736-3582

CILS – Oakland Office: 510/835-0284 OR 800/829-0284

CILS – Santa Rosa Office: 707/573-8016

SCTCA – Valley Center Office: 760/749-5608

CLOSING REMARKS: On behalf of the Chemehuevi Indian Tribe and the Tribal Court, we hope you and your family were able to travel safely to and from the Reservation and enjoyed your visit while here recently. We also hope you enjoy this Information Sheet and we look forward to seeing you at the next annual meeting!!

Respectfully yours,

CHEMEHUEVI INDIAN TRIBAL COURT

Robert Moeller, Chief Judge, and Irene Kellywood-Esquerro, Court Clerk

CHEMEHUEVI INDIAN TRIBAL COURT

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INFORMATION SHEET- APRIL 28, 2012

CHEMEHUEVI INDIAN TRIBE(Tribe): The Tribe became a federally recognized tribe on June 5, 1970 when it reorganized under the Indian Reorganization Act of June 18, 1934, as amended, and its first Constitution was approved by Harrison Loesch, Commissioner of Indian Affairs, representing the Assistant Secretary of the Interior. The Tribe's first official 9-member Tribal Council was elected to office on October 10, 1970.

The Tribe and its Reservation are under the Federal administrative jurisdiction of the Bureau of Indian Affairs (BIA) - Colorado River Agency, located in Parker, AZ, the BIA's - Western Regional Office, located in Phoenix, AZ, and the Department of the Interior, BIA - located in Washington, DC.

THE CHEMEHUEVI INDIAN RESERVATION(Reservation): The Reservation is located along the western bank of the Lower Colorado River in San Bernardino County, California. It was established by Secretarial Order on February 2, 1907.

In the late 1930's, the Reservation was reduced to approximately 28,000 acres when lands were taken by the Federal Government, pursuant to the Act of August 30, 1935, which authorized the construction of Parker Dam on the Lower Colorado River, which formed "Havasu Lake", a reservoir that inundated Tribally populated Reservation lands along the river and forced the Chemehuevi families that lived there to relocate elsewhere - to other reservations and towns near and far in order to subsist. The land on the California shore that was taken resulted in the Tribe's being denied access to its water supply, namely the Colorado River/Havasu Lake; the Chemehuevi Reservation was landlocked. What was left to the Tribe was very rocky, rugged terrain filled with big and small hills and dales, washes and gullies. The land was primarily undevelopable without going to great expense to put in necessary infrastructure - roadways, electricity, telephone, water and sewer services, all necessary to the success of habitation and economic development anywhere.

The most developable property along the western shores of Havasu Lake was the land taken by the Federal Government, and it had been placed under the control of various Federal agencies, including the Bureau of Land Management, Bureau of Reclamation, and the Bureau of Sport Fisheries and Wildlife. This land was leased to various non-Indian concessionaires and to other individuals as residential home-sites. It wasn't until 1974 that the Chemehuevi Indian Reservation's shoreline property that ~~was~~ taken but not used for the Parker Dam project and resultant reservoir, was restored to the Reservation by Secretarial Order. Per the "shoreline agreement" the Tribe entered into for the restoration of that property, the Tribe subsequently purchased the improvements to the Havasu Landing, Inc., but was forced to honor the residential permits in the area commonly called the "Colony" until all residential permits expired in the mid-1990's. The Secretarial Order of 1974 restored several thousand acres to the

Chemehuevi Reservation; today, it is 32,000 acres in size. Most of the Tribe's existing development is along the shoreline in the northern portion of the Reservation. The only development in the southern portion of the Reservation is "Havasu Palms" a mobile home park near Parker Dam, on land leased to non-Indians.

The Reservation surrounds two full sections and one partial section of land respectively set aside by the Federal Government as "school land" and "railroad land" although the set-aside land was never used for the purposes intended and subsequently became deeded land. A section of land is 640 acres in size. A portion of the Reservation's northern shoreline lands were also reserved as the "Havasu Wildlife Refuge".

WATER RIGHTS: In 1964, in a case entitled Arizona v. California, the Supreme Court allocated 11,343 acre feet of Colorado River Water to the Tribe under the Winters Doctrine. It was determined that this quantity of water was required "to supply the consumptive use for irrigation of 1,900 acres" of what was referred to in the litigation documents as "practicably irrigable" Reservation land. These lands have been set aside for agricultural purposes

RESERVATION POPULATION: Several months ago, the Tribe's Enrollment Department reported that the Tribe now has a membership of approximately 1,053 members, about 430 of whom are voting members. Per the Tribe's Realty Department, the total number of Enrolled Tribal members residing on the Reservation several months ago, was 252, and the total number of non-Tribal members residing on the Reservation, was 784. The latter figure includes non-tribal members who are a part of Tribal member families/households, but does not include residents of the non-Indian lease-site known as "Havasu Palms", nor does it include residents of areas within the exterior boundaries of the Reservation referred to as "Section 36" and "Railroad Land".

TRIBAL HOUSING: In the 1970's, the Tribe established "Home-site #1" as a temporary housing (mobile homes) site for Tribal members who wished to relocate to the Reservation. It also joined the All Mission Indian Housing Authority (AMIHA) in order to pursue, through the Department of Housing & Urban Development (DHUD), the construction of low income homes on the Reservation for members of the Tribe. It took many years, but in the fall of 1980, the construction of 25 three and four bedroom homebuyer units and 10 low rent units was completed. In March 1985, the Tribe withdrew its membership in AMIHA and established the Chemehuevi Housing Authority and applied to HUD for more federally subsidized homes. In 1988, a second increment of 50 rental units were constructed; these were two, three and four bedrooms in size. Between 1995 and 2010, 5 one-bedroom rental units were constructed for the elderly, disabled or handicapped Tribal members; then 5 more one-bedroom/singles rental units were constructed, and lastly, 10 more one and two rental units were constructed. These housing projects are all located on Sunrise Trail.

In the ^{late} ~~last~~ 1990's, residential permits in the area still often referred to as the "Colony", all expired and the Tribe chose not to renew the permits. What it did instead, was open up the "Colony" for homesteading by Tribal members and their families, some of whom live in homes previously occupied by the non-Indian permittees and others of whom have either "fixed" or torn down existing residences or replaced them with newer mobile homes. For some, "fixing" or "replacing" existing residential

structures has been a financial nightmare. There were originally just over 100 residential lots in the "Colony"; now there are 113 lots, according to the Tribe's Realty Specialist.

INCREASE IN RESERVATION POPULATION: With the increase in the on-Reservation Tribal and non-Tribal population over the past 42 year of the Tribe's existence, there has also been an increase in what could only be considered social problems, which no growing community is immune from. We *are* a growing community, and we are experiencing "growing pains". There has been a steady increase in alcoholism and substance abuse. These problems all too often give rise to child welfare issues and to domestic violence incidents. During the first few months of this year alone, at least a dozen individuals obtained petitions for emergency orders of protection. Although not all petitions were completed and returned to, or filed with the Court, the fact that they were obtained is evidence enough of the problem with domestic violence. Fear is often a factor in a person's not following through by filing a petition for an order of protection.

TRIBAL LAW ENFORCEMENT: The Tribe does not have and has never had its own "police department", but in 1992, it did enact an ordinance authorizing the establishment of a Tribal police department. However, in 1978 or 1979, the Tribe did establish a "Wildlife Law Enforcement Department" whose Game Wardens were commissioned Bureau of Indian Affairs' (BIA) police officers trained at the Indian Police Academy and authorized to carry side arms. This BIA-funded program came to an abrupt halt in the mid 1990's, when the Tribe was notified by the BIA that it was not entitled to or even eligible for Wildlife Law Enforcement funding from the BIA because the Reservation is located in California, a P.L. 280 state. Since then, the Tribe has not had any "peace officers" other than a Conservation Officer who is limited as to what Tribal laws he may enforce, and Security Officers for the Tribal enterprises known as the Havasu Landing Resort and Havasu Landing Casino, whose services are limited to those enterprises, and a Security Guard for the Chemehuevi Department of Housing, none of whom may carry or use weapons.

Officers of the San Bernardino County Sheriff's Department, two (2) of whose Deputies are stationed on property abutting the Reservation, patrol the Reservation and surrounding areas and enforce County and State laws on the Reservation but have limited knowledge of Tribal laws and have not been authorized to enforce Tribal laws except as provided for in mutual agreements with San Bernardino County, such as in regard to Domestic Violence Orders of Protection. As far as is known, the only other mutual agreements the Tribe has entered into with County agencies are for Fire Protection and for the enforcement of laws pertaining to the waterways (Havasu Lake/Colorado River).

The Tribe must be mindful of the fact that each time it enters into mutual agreements with the State or County, it is giving up some of its jurisdiction, the result of which is the bit-by-bit erosion of our Tribal sovereignty.

TRIBAL COURT: The Chemehuevi Indian Tribal Court is a court of limited jurisdiction. It has a Chief Judge whose Judicial Services Contract expires annually and compensation to whom has remained the same since his first contract was approved by the Tribal Council. He receives mileage (at the current Tribally approved rate) for trips to and from his place of residence in Phoenix, AZ to the Chemehuevi

Reservation, a distance of some 460 miles, round trip. This does limit the number of trips he makes to the Reservation to hear cases and, thus, his availability for matters other than hearing cases. The Court has one full-time Court Clerk. However, the Conservation Officer serves as the Court Bailiff and as process server for the Court on an "as needed" basis.

The Tribal Court's normal hours of operation are from 7:30 A.M. to 4:00 P.M (CA time), Monday through Friday of each week, holidays excluded.

FUNDING LIMITATIONS: What Tribal Court funding the Tribe has received from the Federal Government since the early or mid-1980's has always been minimal. Longer established and wealthier tribes also under the jurisdiction of the Colorado River Agency-BIA, have always received a larger percentage of the Tribal Court and other program funding that is allocated to the Colorado River Agency. Historically, it has been said that the Colorado River Agency receives 70%, the Fort Mojave Indian Tribe receives 20%, and that the Chemehuevi Indian Tribe receives 10% of the funds allocated to the Agency. BIA funded programs operated by the Tribe include the Tribal Court, Education Department, Indian Child Welfare Program, Conservation Department, and the Agriculture Department.

Funding limitations also means other limitations as well. For instance, the Tribal Court's one and only office is - out of necessity, housed in the Tribal Administration Building and is approximately 10½' by 12½' in size and cramped/over-crowded. The Court's file cabinets, typewriter and other furniture and equipment are located in the main hall of the Administration Building, which also serves as 1) "Council Chambers" when the Council is in session, 2) as a general meeting place for various Tribal entities/groups, AND 3) as a Courtroom for the Tribal Court on an "as needed" basis. Since the Court was first established, it has shared most of its furniture and its recording equipment with the Council.

It should be noted that, because of its limited funding and office space and the lack of a Tribal police department, the Court has not applied to undertake various other programs which would serve the needs of and enhance the Tribal Community. The Court *could* have a lot more active cases each year if it had mechanisms in place to enforce existing Tribal laws.

TRIBAL LAWS (Codes, ordinances, regulations and policies): Any Tribal member may request copies of Tribal laws that are enacted by the Tribe. They may be obtained from the Tribe's Secretary-Treasurer, the official keeper of Tribal records.

FORMS FOR FILING COMPLAINTS WITH THE COURT: Petitions or application forms for filing various complaints with the Tribal Court are available for the cost of copying at \$.25 (twenty-five cents) per page. Fees to actually file a complaint with the Court varies, depending on the type of case it is. However, there are presently no filing fees for domestic violence and Indian child welfare complaints.

NEED LEGAL ASSISTANCE? The Tribe has several attorneys that it contracts with but who are limited to providing services to the Tribe and its subdivisions (Tribal Administration, Housing Authority, Havasu Landing Resort, Havasu Landing Casino), UNLESS the Tribal Council approves a Tribal attorney's representation of a Tribal member.

As in the past, California Indian Legal Services (CILS) and the Southern California Tribal Chairmen's Association (SCTCA) still provide assistance on certain legal matters to Native Americans who reside in the State of California AND who otherwise qualify for their services. If you need legal representation OR further information, you may call CILS at the numbers listed for them in your area, OR you may call SCTCA, whose number is also listed below.

CILS - Eureka Office: 707/443-8396 OR 800/347-2402

CILS - Escondido Office: 760/746-8941 OR 800/743-8941

CILS - Bishop Office: 760/873-3582 OR 800/736-3582

CILS - Oakland Office: 510/835-0284 OR 800/829-0284

CILS - Santa Rosa: 707/573-8016

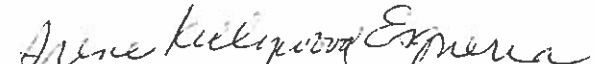
SCTCA - Valley Center, CA: 760/749-5608

CLOSING REMARKS: On behalf of the Chemehuevi Indian Tribe and the Tribal Court, we hope you and your family and friends had a very safe trip to the Reservation and an equally safe trip home, and enjoy yourselves while here. We also hope you enjoy this Information Sheet. See you next year!

CHEMEHUEVI INDIAN TRIBAL COURT



Robert Moeller, Chief Judge


Irene Kellywood-Esquerre, Court Clerk