

Congressional Testimony of Sam Davis, Mayor of Parker, AZ

My name is Sam Davis, and I am the Mayor of Parker, AZ, an incorporated town with approximately 2,500 residents, located just east of the Colorado River in western Arizona. Thank you for the opportunity to briefly describe to you the present situation in Parker.

In 1908 Congress appropriated money to enable the Secretary of the Interior “to reserve and set apart lands for townsite purposes” in the Colorado River Indian Reservation. The Secretary subsequently created the townsite of Parker, AZ, and approximately two-thirds of the lots in town were purchased by non-Indians at public auctions. Ninety percent of the population of Parker is non-Indian.

Following five years of litigation of Federal District Court in Phoenix, AZ, last month Judge Strand issued a decision which concluded that the Parker lands are still part of the Colorado River Indian Reservation. He enjoined the town from enforcing its building code on “tribal lots” in the townsite. Parker is appealing Judge Strand’s order.

In the meantime, the court’s decision leaves residents of Parker subject to a complicated and confusing combination of state, tribal and Federal jurisdiction. There are numerous unanswered questions regarding whether and how the tribes will assert jurisdiction in Parker in such areas as taxation, zoning, business licensing, liquor sales and health and safety regulation. The most serious and urgent problems relate to law enforcement. A particular law enforcement officer’s authority in a given situation on an Indian reservation depends upon the identities of the suspect(s) and victim(s). The varying degrees of authority between Federal, state, county, town and tribal officers can lead to confusion, delay and even physical harm to both citizens and police officers.

Last month, for example, a tribal member driving a pickup truck repeatedly rammed, at high speeds, a squad car occupied by the town’s chief of police. Because the suspect is an Indian, the police chief and other Parker police officers had no authority as police officers to take any law enforcement action in response to the suspect’s unprovoked attack. They could only stand by as the suspect threatened the chief’s life, damaged property and fled from the scene. This attack was only the latest in a series of recent incidents in which tribal members have assaulted Parker police officers.

The existing situation is very frustrating for town police officers. Our officers were trained to enforce the law fairly and uniformly for the benefit of the entire community, without regard to race or creed. Now they are being required to discriminate on the basis of race, refraining from enforcing the law in any situation involving an Indian. Not surprisingly, the town is finding it increasingly difficult to retain existing members of its police force and to recruit additional officers.

Federal, state, county, town, and tribal officials agree that cross-deputation of law enforcement officers would constitute an effective and efficient solution to the law enforcement problems stemming from Judge Strand’s decision. The tribes, however, are refusing to cross-deputize Parker police officers. The town is attempting to secure deputy special officer commissions from the Bureau of Indian Affairs for all Parker police officers who do not presently have such commissions. The tribes have requested Federal funding for six additional tribal officers in order to provide increased law enforcement services in town. The town of Parker opposes the request but, as a compromise, it is willing to have extra BIA officers assigned Parker on a temporary basis, to supplement as needed, the existing resources of the law enforcement agencies with jurisdiction in Parker.

Both the tribes and the town are interested in working out a comprehensive, permanent resolution regarding law enforcement and other jurisdictional issues relating to the townsite. Representatives of the two governments are engaging in discussions to achieve that objective, starting with the issue of law enforcement. We anticipate that any final agreement will be presented to congress for approval.

Thank you again for this opportunity to discuss the difficulties in Parker. I would be happy to address any questions you may have.