

Stand Up For California!

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P.O. Box 355
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November 16, 2004

Honorable Arnold Schwarzenegger
Governor of the State of California
Office of the Governor
Sacramento, CA. 95814

RE: Protecting the States Police Powers

Dear Governor Schwarzenegger:

Let me begin with Congratulations on your many successes and accomplishments this your first year in office. Your dynamic political will has California once again headed in a positive and prospering direction. Thank you for your leadership. I write to you today asking you to give serious consideration in making a significant policy decision to protect the police powers of the State of California.

In a recent 9th Circuit ruling in *Cabazon vs. Larry Smith CV-97-04687-CAS*, judges ruled favorably for tribal police to use their emergency light bars and even respond to federal crimes off of the reservation. Perhaps on the surface this sounds like a fair and reasoned ruling, as justice systems are an essential component of good government and serve as an important forum for ensuring public health and safety for all peoples living in and around Indian lands. However, this ruling does not guarantee enhanced justice, improved public safety or a savings in public taxpayer dollars.

To the contrary, California non-Indian and Indian citizens will be exposed to a tribal police system that provides no real remedy or recourse in the event there is a traffic accident during a criminal pursuit, a wrongful shooting or improper detention off reservation. This ruling unfairly exposes the public to the tribal doctrine of immunity from civil liability.

I write asking that the State of California take action to clarify and protect the Police Powers of the State of California. I ask that the State consider taking action to appeal the *Cabazon vs. Larry Smith* case. The judges simply left too many unresolved jurisdictional issues on the table which adversely affects our States police powers.

Without knowledge and evidence from the State of California the court system will not be able to make a well-informed ruling on the serious and critical jurisdictional issues regarding disputes

between States whose powers are protected in the U. S. Constitution and domestic dependent sovereigns who are the responsibility of Congress. In fact, if this case goes unchallenged we can view it as one in a string of many cases to come which promote a successful litigation strategy by tribes to expand tribal government powers at the expense of state police powers.

Respectfully I request that you give this your serious consideration.

Sincerely,

Cheryl A. Schmit – Director
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CC: Nick Warner, Legislative Advocate
California State Sheriffs Association

Lee Ann Tratten
Consumer Attorneys of California

Mike McGowan - President
Tribal County Advisory Committee