

Stand Up For California!

“Citizens making a difference”

www.standupca.org

P. O. Box 355
Penryn, CA. 95663

August 18, 2014

Honorable Edmund G. Brown
Governor of the State of California
Office of the Governor
Attn: Legislative Affairs
State Capitol
Sacramento, CA. 95814

RE: Veto SB 406 - Protect the Civil Rights and Property Rights of California Citizens

Dear Governor Brown,

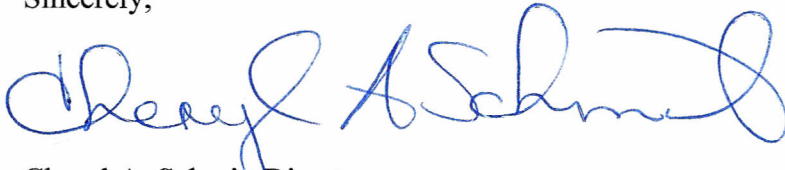
Stand Up For California writes urging you to veto SB 406 to protect the civil rights of California citizens. The goal of SB 406 is to develop guidelines and standards for tribal courts in order to meet the principles of comity for a money judgment in State Court. While at the same time introducing clear procedures and cost reductions to the State Court system, however SB 406 does not achieve this goal.

- SB 406 provides no opportunity for the respondent to challenge, or for a Superior Court Judge to take into consideration, the underlying merits supporting the money judgment. The Court is simply asked to accept or deny the judgment based on timely notification and the 4 criteria for objection.
- SB 406 presents a complex issue of the establishment of tribal jurisdiction (that includes all 566 tribes nationally) over non-tribal citizens and businesses through the use of the California court system. Citizens of *all* states have due process rights that differ from those of tribal members, because the United States Constitution applies to all states but not to tribes or in some cases, tribal members in Indian Country. Accordingly, tribes and tribal members in the tribal courts can obtain judgments under procedures and circumstances that might not be permitted either in California or in other states.
- Tribal Court jurisdiction is defined in federal law. SB 406 as written will provide a forum for the creation of judge made-law for tribal jurisdiction in state courts further exacerbating any attempt to bring resolution to complex situations or consistency in the rule of law.

- SB 406 does not specify and does not list the acceptable bases for personal jurisdiction of the tribal court.
- SB 406 does not list or define all forms of personal jurisdiction acceptable that a tribal court may exercise over a defendant. For example, state courts can obtain personal jurisdiction by publication in certain cases. May a tribal court do the same?
- State courts cannot affect personal service outside of the State, except in very limited circumstances. Should personal service be restricted to service on the reservation?
- SB 406 is a backdoor vehicle for the collection of gambling debts acquired at tribal casinos.

In the strongest terms, *Stand Up For California* urges the Governor to Veto SB 406 for all of the above reasons. This legislation requires far more thought and consideration before it is debated in the State Legislature. SB 406 is not a simple fix in state court procedures or cost reduction. This language has significant and far-reaching consequences to the well-being of the non-tribal public and businesses of the State.

Sincerely,



Cheryl A. Schmit, Director
916 663 3207
cherylschmit@att.net
www.standupca.org

CC: Joe Dhillon, Sr. Advisor to the Governor