



UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Southern California Agency
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IN REPLY REFER TO:

Tribal Operations
3731-P5 San Pasqual

AUG 01 2008

Mr. Allen E. Lawson, Spokesman
San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, CA 92082

Subject: The Bureau of Indian Affairs has decided not to recognize the existence of a Tribal Government for the San Pasqual Band of Mission Indians

Dear Spokesman Lawson:

Over the past several weeks staff of the Southern California Agency has met with representatives of the tribal government in an attempt to resolve serious differences existing among the current Business Committee. Recent actions by members of the Business Committee clearly show that the Bureau of Indian Affairs' (BIA) efforts to encourage meaningful mediation have been unsuccessful. Consequently, I have concluded that no recognizable tribal government presently exists. While the BIA would prefer non-involvement in internal tribal disputes, the Tribe's acceptance of the Indian Reorganization Act (IRA), 25 U.S.C. § 461, et seq., places oversight upon the Secretary.

The Bureau's responsibilities and authorities with respect to this matter are derived from its responsibility to carry out the government-to-government relationship and its statutory obligations pursuant to the IRA. As such, the BIA must ensure that the tribal governing body is properly constituted and qualified in representing the tribe in matters before the Department of the Interior.

The following are highlights of recent actions that have transpired by the various factions of the Tribe; both in tribal government, committees, etc., that has led me to the above conclusion:

- Prior to June 26, 2008, a portion of the tribal Enrollment Committee suspended the membership privileges of the Alto family pending the family's explanation and response to a pending disenrollment action. There is no allowance for the provision of suspension of enrollment in the Tribe's Constitution or Ordinances(s);
- Prior to June 26, 2008, the Secretary/Treasurer was suspended indefinitely without authorization by Constitution or Ordinances(s);

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- On July 13, 2008, Spokesman Lawson and Delegate Toler held a General Membership meeting; concurrently a meeting was also being held by the Vice-Spokesman Phelps, Secretary-Treasurer McNeal and Delegate Cope. Each separate faction voted to suspend the other's members of the Business Committee, again in a manner inconsistent with tribal government provisions, resulting in a non-functioning Business Committee;
- On July 16, 2008, I met with both sides and related that both groups combined represent the elected Business Committee and that operating separately was not representative of the elected Business Committee. I offered mediation for the entire Business Committee and all accepted this course of action;
- Mediation was conducted with the assistance of the Department of Justice on July 21, 2008. After the meeting Spokesman Lawson handed the Vice-Spokesman Phelps and Delegate Cope a notice of impeachment and the impeachment action was to be held on Sunday, July 27, 2008;
- On July 27, 2008, a general council meeting was held by Spokesman Lawson and Delegate Toler resulting in the impeachment of Vice-Spokesman Phelps and Delegate Cope. The general membership selected replacements for the two removed individuals.

Both groups have conducted general membership meetings that have raised questions concerning issues of proper quorums, impeachments, suspensions, elected replacements, and the conduct of proper business for the Tribe. Further, both groups have demonstrated unwillingness to work with each other and have accused the other of not following proper constitutional processes and due process. Also, both groups have demonstrated unwillingness to work with the Department of Justice mediator.

My conclusion, which I based upon the recent actions of the various members, is that no recognizable government exists. Further, indications are that this dispute will continue to exist until the elected members work through the controversy consistent with the Tribe's Constitution and its procedural process. Neither I nor members of the Southern California Agency wish to intrude into matters that are uniquely issues of tribal self-government. The tribal members are ultimately responsible for determining which faction is the proper representative of the San Pasqual government. Only federally recognized tribal governments may operate governmental programs, businesses, conduct business or act on behalf of their membership. Therefore, effective this date, I am unable to recognize any tribal government for San Pasqual and strongly urge the members of the San Pasqual Band of Mission Indians to take immediate action to address this matter.

If you have any questions, please contact me at (951) 276-6624 Ext. 222.

Sincerely,



James J. Fletcher
Superintendent

cc: Robert Phelps, Vice-Chairman
Angela Martinez McNeal, Secretary-Treasurer
Jerald Cope, Delegate
David Toler, Delegate

Pacific Region, Attn: Tribal Operations

Assistant Secretary – Indian Affairs, C.O.
Attn: Tribal Government

Indian Gaming Management
Attn: Manuel Sanchez, Investigator