



Testimony of the Umatilla Tribal Court – Chief Judge William D. Johnson
Senate Committee on Judiciary & Ballot Measure 110 Implementation
SB 183
March 8, 2021

Chair Prozanski, Vice Chair Thatcher and members of the committee, my name is William D. Johnson. I am the Chief Judge of the Court of the Confederated Tribes of the Umatilla Indian Reservation and urge you to pass SB 183, with the -1 amendments, to ensure tribal court orders are given full faith and credit.

Today I am joined by Chief Judge Lisa Lomas of the Warm Springs Tribal Court, Chief Justice Martha Walters of the Oregon Supreme Court, Trustee Jill-Marie Gavin of the Board of Trustees, Confederated Tribes of the Umatilla Indian Reservation, Sarah Sabri of the Oregon Department of Justice, Martha Klein Iverson of the Oregon State Bar Indian Law Section and Naomi Stacy of the Confederated Tribes of the Umatilla Indian Reservation. We appreciate the opportunity to appear before you this morning to discuss the bill.

The United States' Constitution recognizes full faith and credit between states. Article IV reads, "Full Faith and Credit shall be given in each state to the public Acts, Records, and judicial Proceedings of every other State." The United States' founders understood how important giving full faith and credit to foreign state court orders is in promoting certainty and uniformity between them.

Four or five years ago the Oregon Tribal/State judicial forum began addressing enforcement of tribal/state protection orders issued by Oregon Tribal Courts and State Courts. Not all states address this although many have done it by court rule or legislation or case law. Protection orders in Indian Country are specifically given recognition and required enforcement by federal law, the Violence Against Women Act of 1994.

Some Tribes in Oregon recognize and enforce State and Tribal Court protection orders by court rule, legislation (Tribal and Federal) or case law interpretation. The Umatilla Tribes have done this by tribal legislation, case law interpretation, and becoming a pilot project for VAWA and TLOA jurisdiction under federal law. We belong to a family of courts (State, Federal and Tribal) in Oregon wanting to protect and provide safety across Indian country and beyond. When this provision of safety does not happen it hurts all people who seek protection orders from any court.

Tribal process for issuing protection orders is typical to state courts. There are sworn court applications, sometimes issuance of emergency orders, notice and due process required, modification and renewal of orders if necessary. Uniformity between state and tribal orders should exist. This could be in the form of the orders issued and time limits used for emergency and permanent orders. And contempt procedures for enforcement should occur as necessary

When someone moves from one state to another, they need to know that a divorce decree they obtained in the first state will be recognized in the new state. When a person sues another person for damages in one state, they need certainty that the order can be enforced even if the person who

owes the money moves to another state. When a court issues a parenting plan, certainty is necessary to ensure that a parent cannot simply take the child to another state and avoid having to abide by the order.

These issues and concerns are even more pronounced when the court issuing the order is a tribal court. It is very easy for a person to simply move off a reservation to try and avoid complying with a tribal court order they disagree with. When a tribal court issues a monetary judgment against a person, for example, tribes need to be ensured that the person who owes the money can't simply avoid paying it by moving to a nearby off-reservation town where the tribe has no enforcement jurisdiction.

Giving tribal court orders full faith and credit, like states are constitutionally entitled to, promotes certainty and uniformity and places tribal courts on a more equal footing with state court systems. The reality is that tribal geographic jurisdiction is often very small and it is easy for a person to simply move and never return in order to avoid enforcement of a tribal court order. The lack of full faith and credit of tribal court orders undermines tribal sovereignty by stripping tribes of the real-world ability to enforce many court orders. This needs to be remedied.

It is for these reasons that we have long sought to have state courts and governments give tribal court orders full faith and credit. This is a long time coming and benefits tribal nation judicial systems as well as all who use those systems by promoting certainty and uniformity.

I strongly support this legislation and urge you to do so as well. Thank you for your time and consideration.