

## PRESS RELEASE

### TRIBAL COURT RULES AGAINST TRIBAL COUNCIL- THEY STILL REMOVE CHAIRMAN DAVIS

On March 11, 2024, five (5) Hoopa Tribal Council Members voted to remove Chairman Joe Davis from office after accusing him of multiple allegations. There was a total of five (5) allegations by the Hoopa Valley Tribal Council (HVTC); Failure to supervise Tribal Staff and Departments, failure to follow policies, failure to follow Tribal Council Directives, failure to maintain communication channels of the tribe (webpage), and failure to repeatedly reveal a **potential** conflict of interest situation.

Chairman Davis was provided a Removal Hearing on March 11, 2024, granted by law under the Hoopa Tribe's Constitution and Bylaws, to defend against these allegations. "It was obvious that the Tribal Council Members had made their minds up to remove Davis before he was provided a fair hearing," stated Wendy Ferris-George, a spokesperson for Davis and previous Pro Temp Judge for the Hoopa Tribal Court. Davis filed an Injunction in Court against the Tribal Council in February 2024 and proved Tribal Council violated Federal Law, Tribal Law, United States Constitution, the Indian Civil Rights Act, PO-24-003.

A Law Judge, Joseph J. Wiseman heard the case on February 28, 2024, and ruled in favor of Davis. HVTC violated Chairman Davis' rights to access tribal buildings, speak to employees i.e., tribal membership, suspending him from his job, and violating numerous federal and tribal laws. Judge Wiseman ruled in Court that individual council members violated Davis' rights and acted outside of their authority, "It's clear that respondents (Tribal Council) exceeded their authority in prohibiting petitioners (Davis) communication with tribal employees. This restriction-essentially a gag order-unmoored to convincing rationale, violates petitioners Freedom of Speech. After all, the suppression of free speech- a fundamental right enshrined in the United States Constitution and the Indian Civil Rights Act- is the first step in the march to tyranny."

The decision of the Court states Petitioner (Davis) has sufficiently showed that he is likely to succeed on the merits of a constitutional violations claim against the Tribal Council as they violated Davis' freedom of speech and right to due process of law, rights enumerated both in the Tribe's Constitution and in the United States Constitution, and suspended Petitioner (Davis) from office- a de facto removal against the Tribe's constitutional procedure. Court ruled Petitioner (Davis) is also likely to suffer irreparable harm due to the timing of the removal hearing.

"Since the suspension of Davis on January 4, 2024, the HVTC has proven they do not have the intelligence to understand law as they have continued to violate them throughout this entire removal process. Chairman Davis proved at the March 11<sup>th</sup> Removal Hearing that several of the allegations against him were moot, as he had challenged them and won. As for other allegations that were not challenged in court, these were proven to be erroneous allegations. Davis provided his defense to Tribal Council on March 11, 2024. In his defense document, each allegation was challenged by law in Davis' favor. It's unfortunate that The Hoopa Tribe has a government who doesn't comprehend those laws" Ferris-George.

At the Removal Hearing Davis presented his 14-page defense against each allegation even though the Tribal Council did not grant him due process by providing investigative reports ,

contracts, etc. that he had requested as evidence at the hearing. The Tribal Council violated the law again by requiring Davis to follow hearing protocols that had not been adopted under any Titles, Codes, Ordinances, etc. of the Hoopa Tribe specifically the Legislative Procedures Act ( Title 6) to allow tribal members the ability to comment on them for 30 days, before their approval and becoming law of the Hoopa Tribe. In the defense document of Davis, he proved that each accusation violated his rights as Tribal Chairman as tribal law supported his actions. There was only one accusation that could technically be challenged by the HVTC but even that charge was moot in the end as Davis proved to ‘not create a conflict by not taking a loan’. Davis and his wife applied for a business loan through the Hoopa Development Fund in 2023 and under current codes was allowed to do so while serving as Tribal Chairman if he recused himself from department oversight. Even though Davis and his wife did submit an application and Davis ultimately recused himself, he never accepted the loan.

Davis consulted with the Tribe’s attorney to ask if he would be breaking any laws if he accepted a loan; as he had never previously applied for a business loan under the Hoopa Development Fund. Exhibits 5-2, attached to Davis’ defense is a text message between Davis and Tom Schlosser, the Tribe’s legal Counsel. Schlosser, “I don’t think Title 8 prohibits it. You might be unable to participate in Council discussions about the credit program (HDF). It carries some political risk.” Chairman Davis and his wife were approved for the loan in June of 2023 but neither of them accepted the loan or ever received money from the Hoopa Development Fund. Despite this, the HVTC still decided an application submission was grounds enough to remove him.

Chairman Davis states, “I had a large support base in the Primary election from the tribal membership and they elected me outright. I was able to retain my seat for two more years without being put on the ballot in the General Election. Now my political rivals are trying to ruin my name so they can have a chance to become Chair of the Tribe. One of those people was convicted by the Hoopa Tribe for embezzling money and wasn’t allowed to run for HVTC for ten years.”

Davis also adds, “I have been working hard to serve our community since I got out of high school. I have dedicated years to improving youth activities, coaching sports, participating in faith-based activities and working to make Hoopa a better place. I am a Hoopa Tribal Member who has dedicated my life to improving the lives of other people. I want to be here and not run off by malicious people.” Despite Davis’ plea to Tribal Council to refrain from removing him as Chairman, the same five (5), elected members voted to remove him from office.

Tribal Court transcript records gave Chairman Davis insight to how the Tribal Council would vote. Court transcript reads, Hoopa Tribal Legal Counsel, Thomas Schlosser, “There is a foregone conclusion of what will happen in the removal hearing.” A foregone conclusion is a predetermined result, meaning the Tribal Council had predetermined they would vote to remove Chairman Davis before providing him due process.

Many tribal members are requesting a Recall of the Tribal Council Members due to their lack of ability to understand what oath of office really means. Taking an oath means you understand the laws which you are to uphold. Tribal Members are requesting better representation from their Hoopa District Representatives and want requirements implementing better education or understanding of the law before anyone can run for office. “The position of Tribal Chairman and Tribal Council is one of our highest and honored seats of office, along with the seats of Cultural Dance Leaders. The government positions should be filled by qualified and respected members of the tribe and not elected based on a popularity contest for reasons like, who will give who the most.” Ferris-George.

*Submitted by Tracey Ramone*