



LUMMI INDIAN BUSINESS COUNCIL

2665 KWINA ROAD • BELLINGHAM, WASHINGTON 98226 • (360) 312-2000

RESOLUTION #2021-076 OF THE LUMMI INDIAN BUSINESS COUNCIL

Title: Banishment of David Rabang Jr., Date of Birth: May 26, 1977

WHEREAS, the Lummi Indian Business Council (LIBC) is the duly constituted governing body of the Lummi Indian Reservation by the authority of the Constitution and By-Laws of the Lummi Nation of the Lummi Reservation, Washington, as amended; and

WHEREAS, the LIBC is responsible for advancing the health, safety, well-being and education goals of the people of the Lummi Nation; and

WHEREAS, it is the mission of the LIBC *"To Preserve, Promote and Protect our Sche Lang en"* (LIBC Resolution #2012-025); and

WHEREAS, the power to declare "banishment" predates the Treaty of Point Elliot, as a matter of traditional and cultural law, and inclusion of such concepts and powers in the treaty and Lummi Constitution is only a manifestation of some of the powers delegated and are only a part of those rights reserved to the LIBC under the Lummi Constitution under Article VI, Sections 1, 2, and 3. Such reserved powers were and have been recognized in *United States v. Winans*, 198 U.S. 371, 381 (1905), which states a treaty "was not a grant of rights to the Indians, but a grant of rights from them - a reservation of those not granted;" and

WHEREAS, Article VI, Section 1, (j) of the 2006 Lummi Constitution provides that the LIBC has the authority "To exclude from the restricted land of the Lummi Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to the approval of the Lummi Nation General Council;" and

WHEREAS, the LIBC has enacted Title 12 Exclusion Code which acknowledges the historical practice of banishment by the Lummi people, stating that "individuals that posed a threat to the community were sometimes banished and excluded from Lummi Territory." LCL 12.01.020. LCL 12.01.020(b) acknowledges and respects "the authority of the LIBC to exercise its inherent sovereign right to banish an individual from the Lummi Reservation;" and

WHEREAS, David Rabang Jr., date of birth: May 26, 1977, a member of Nooksack Indian Tribe, has the following convictions in Washington State Courts: 94-8-00486-5-Permitting Minor to consume/possess liquor, 95-8-00253-4-Burglary 2nd degree, 97-1-01092-9- Controlled Substance violation A: Manufacturer/Delivery/Possessing, 04-1-00743-0- Burglary 2nd degree, CB0011702- Carrying a gun in a public place, C0008887- Minor in Possession/Consumption, CB0016754- Possession of Dangerous Weapon, AC0008470- Reckless Discharge of a Weapon, AC0008471- Disorderly Conduct, AC0022428- DUI, AI0051258- Open Alcoholic Container; and

WHEREAS, David Rabang Jr., through his personal conduct, is an immediate and imminent threat to the safety, health, and welfare of the Lummi Community.

NOW, THEREFORE BE IT RESOLVED, in accordance with the inherent sovereign right of the Lummi Nation, the LIBC finds the person **David Rabang Jr.** is a threat to the health, safety, and welfare of the Lummi nation and hereby **BANISHES** him from the Lummi Reservation, its Trust Lands, and all Lummi owned businesses by the Lummi Indian Business Council; and

BE IT FURTHER RESOLVED, that Council Operations shall forward a copy of this resolution to the Lummi Nation Police Department. The Lummi Nation Police Department is to serve copies of this resolution to **David Rabang Jr.**, and instruct him to leave the boundaries of the Lummi Reservation and its Trust Lands immediately upon receipt of this Resolution. If Mr. Rabang is incarcerated, the Lummi Nation Police Department shall fax this Resolution to the facility where he is held. The Lummi Nation Police Chief shall provide written proof of service directly to the Lummi Indian Business Council within five days of service. A copy of this Resolution shall be forwarded by the Council Operations to Lummi Communications who shall post this resolution in all appropriate platforms; and

BE IT FURTHER RESOLVED, if **David Rabang Jr.** is found within the boundaries of the the Lummi Reservation, its Trust Lands, or in any Lummi owned businesses, it shall be considered a violation of an exclusion order and he shall be charged with Violation of an Exclusion Order under LCL 5.07.075 and his property will be subject to impoundment and forfeiture; and

BE IT FURTHER RESOLVED, **David Rabang Jr.** may petition the Lummi Indian Business Council to lift this banishment order. He must appear in front of the Lummi Indian Business Council to explain why he should be allowed within the boundaries of the Lummi Reservation, Trust Lands and Lummi owned businesses. The LIBC may lift this Banishment Resolution upon two-thirds vote in support of lifting this Resolution; and

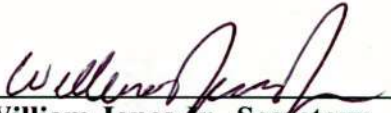
BE IT FINALLY RESOLVED, the Chairman, (or Vice Chair in his absence) is hereby authorized and directed to execute this resolution and any documents connected therewith, and the Secretary, or the Recording Secretary in his absence, is authorized and directed to execute the following certification.

LUMMI NATION


Lawrence Solomon, Chairman
Lummi Indian Business Council

CERTIFICATION

As Secretary of the Lummi Indian Business Council, I hereby certify that the above Resolution #2021-076 was adopted at a Regular/Special Meeting of the Council held on the 15th day of June, 2021 at which time a quorum of 8 was present by a vote of 7 for, 0 against, and 0 abstention(s).



William Jones Jr., Secretary
Lummi Indian Business Council





Council Operations Action Form

Please turn in with resolution & attachments or with your agenda item, to Council Operations, the Wednesday prior to the Council meeting by 4:30 PM. Late documents will not be accepted. If you have questions contact TeresaB@lummi-nsn.gov or ext 2142

To be completed by Originator:

Clearances	Initial	Date	Comments	Resolution # 2021-076	Agenda Date: <u>6/15/21</u>
Originator	<u>DP</u>	<u>6/8</u>		Title: Banishment of David Rabang Sr., Date of Birth: May 26, 1977	
ORA C. Cartwright	<u>CC</u>	<u>6-9-21</u>		Name of Presenter: Drew Pollom	
Department Director				Financial impact (if yes please attach Executive Summary):	Budgeted item: Y N # of Pages Attached:
Cultural Department				Distribution (departments or individuals who will need a copy of the certified resolution Circle all that apply):	
CBC Chairperson				Planning	Economic Development
General Manager				Human Resources	Reservation Attorney's
Treasurer Only if a Financial Impact				General Manager	Other:
Chair or Vice Chair	<u>LS</u>	<u>6/9/21</u>		Contact Information of Person Dropping Off at C.O.	

Please give a brief narrative of your agenda item: Banishment of David Rabang Sr., Date of Birth: May 26, 1977

By signing below, I have completed the Action form assuring that there is approval from all listed parties before submitting it to Council Operations also; "Sign here" tabs have also been placed in all areas in need of signature.

Signature of Department: [Signature]

Date & Time 6/9/2021

Signature Received by: [Signature]

Date & Time 6/9/21

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