



# LUMMI INDIAN BUSINESS COUNCIL

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

## RESOLUTION #2021-101 OF THE LUMMI INDIAN BUSINESS COUNCIL

### Title: Banishment of Tony Lee Williams

**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**, **TONY LEE WILLIAMS, DOB: 01/06/1982**, a non-tribal individual, was convicted of Distribution of a Controlled Substance Containing Fentanyl and Possession of a Firearm in Furtherance of a Drug Trafficking Crime in a Federal Case 2:19CR000193RAJ-001. The conduct of Mr. Williams resulted in the death of a Lummi Tribal member within the Lummi Reservation; and

**WHEREAS, Tony Lee Williams**, through his personal conduct, is an immediate and imminent threat to the safety, health, and welfare of the Lummi Community and is eligible for banishment from the Lummi Reservation.

**NOW, THEREFORE BE IT RESOLVED**, in accordance with the inherent sovereign right of the Lummi Nation, the LIBC finds the person **Tony Lee Williams** 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 tribal enterprises 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 **Tony Lee Williams** and instruct him to leave the boundaries of the Lummi Reservation and its Trust Lands immediately upon receipt of this Resolution. If Mr. Williams 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 **Tony Lee Williams** is found within the boundaries of the Lummi Reservation or its Trust lands, it shall be considered a violation of an exclusion order and he shall be charged with Trespass under RCW 9A.52.070 and his property will be subject to impoundment and forfeiture; and

**BE IT FURTHER RESOLVED**, **Tony Lee Williams** 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 or Trust Lands. 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 INDIAN NATION**



**Lawrence Solomon, Chairman**  
**Lummi Indian Business Council**



## CERTIFICATION

As Secretary of the Lummi Indian Business Council, I hereby certify that the above Resolution #2021-101 was adopted at a **Regular/Special** Meeting of the Council held on the 27<sup>th</sup> day of **July, 2021**, at which time a quorum of 10 was present by a vote of 9 for, 0 against, and 0 abstention(s).



*William Jones, Jr.* Recording Secretary  
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](mailto:TeresaB@lummi-nsn.gov) or ext 2142

To be completed by Originator:

<b>Clearances</b>	<b>Initial</b>	<b>Date</b>	<b>Comments</b>	<b>Resolution # 2021-101</b>	<b>Agenda Date:</b> 8/3/2021
Originator				Title: <b>Banishment of Tony Lee Williams</b>	
ORA	<i>DP</i>	<i>7/20/21</i>		Name of Presenter: <b>Jay Martin</b>	
Department Director				Financial impact (if yes please attach Executive Summary):	Budgeted item: Y      N
Cultural Department				<b>Distribution</b> (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				General Manager	Other:
Chair or Vice Chair	<i>TS</i>	<i>7/20/21</i>		<b>Date / Name of Person Dropping Off at C.O.</b>	
				Natural Resources	Education
				CFO	Council Officers

Please give a brief narrative of your agenda item: **Banishment of Tony Lee Williams**

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: *Teresa M. Williams*

Date & Time: \_\_\_\_\_

Signature Received by: *Teresa M. Williams*

Date & Time: *7/20/21*

To be completed by Council Operations staff:

<b>Council Follow Up</b>	
Specifically:	
Timeline:	Delegate(s):

Resolution # 2021-101