



# LUMMI INDIAN BUSINESS COUNCIL

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## RESOLUTION #2020-140 OF THE LUMMI INDIAN BUSINESS COUNCIL

### Title: Banishment of Dale Casey

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

**WHEREAS**, the Lummi Indian Business Council 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 Lummi Nation, before the 1792 contact with non-Indian society, was governed by tradition, ceremony, culture, and strong tribal social values, ethics, and altruism essential to our survival as a tribal society, and our society was strict in the control of behavior and respect for oneself, for family, for extended family, and for tribalism; and

**WHEREAS**, the Lummi Nation, together with the Duwamish, Suquamish, and Allied Tribes, is a party to the Treaty of Point Elliot, 12 Stat. 927, which was ratified by the Senate of the United States of America on March 8, 1859, and proclaimed on April 11, 1859; and

**WHEREAS**, Article Two of the Treaty of Point Elliot provides that:

"... nor shall any white man be permitted to reside upon the same without permission of the said tribes or bands, and of the superintendent or agent."; 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 adopted Title 12, the Exclusion Code, and acknowledges in LCL 12.01.020 that "In the customs and traditions of the Lummi People, individuals who posed a threat to the community were sometimes banished and excluded from Lummi Territory. The Lummi Nation, as a Sovereign and a People, has an inherent right to govern its land and territory. This right was acknowledged in the 1855 Treaty of Point Elliot, particularly Article 2, which acknowledged the Nation's authority to exclude individuals from within its territorial boundaries;" and

**WHEREAS**, LCL 12.01.020(b) expressly reserves the right of banishment to the LIBC: "Nothing in Title 12 shall be interpreted to limit the authority of the LIBC to exercise its inherent sovereign right to banish an individual from the Lummi Reservation or trust lands;" and



**WHEREAS**, DALE CASEY, DOB: 12/2/1969, a member of Warm Springs, has been convicted of the following charges in Lummi Tribal Court: Assault and Battery in Second Degree (DV), 2020 CRDV 7189. Additionally he was convicted of the following charges in Swinomish Tribal Court: Assault (Class C) SWI-CR-1/02-017 (2002), Assault (Class B) SWI-CR-1/02-018 (2002), Harassment (Class B) SWI-CR-1/02-019 (2002), Assault (Class B) CRCO-2007-0073 (2004), Assault (Class A) CRCO-2008-0053 (2008), Assault (Class B) (DV), Assault (Class B), Criminal Abuse of Children x4, 2014 CRCO 0016 (2014). Finally, DALE CASEY also has the following convictions in Washington State Courts: DUI CB0094204 (2015), DUI C00102541 (1996), and Assault in the 3<sup>rd</sup> Degree 9701099229-9 (1997); and

**WHEREAS**, DALE CASEY, DOB: 12/2/1969, a member of Warm Spring has been residing within the Lummi Reservation without the permission of the Lummi Nation in violation of the Treaty of Point Elliot and 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**, that in accordance with the inherent sovereign right of the Lummi Nation, the persons DALE CASEY, DOB: 12/2/1969, IS hereby **BANISHED** from the Lummi Reservation and its Trust Lands by the Lummi Indian Business Council; and

**BE IT FURTHER RESOLVED**, that the Lummi Nation Police Department are to serve copies of this resolution to the name individuals and instruct them they must leave the boundaries of the Lummi Reservation and its Trust Lands immediately of receipt of this Resolution. The Lummi Nation Police Chief shall report directly to the Lummi Indian Business Council once service has been completed; and

**BE IT FURTHER RESOLVED**, that if DALE CASEY, DOB: 12/2/1969 is found within the boundaries of the Lummi Reservation or its Trust lands they shall be charged with Violation of an Exclusion under LCL 5.07.075 and subject to arrest; and

**BE IT FURTHER RESOLVED**, that DALE CASEY, DOB: 12/2/1969 may petition the Lummi Indian Business Council to lift this banishment order. The individuals must appear in front of the Lummi Indian Business Council to explain why they should be allowed within the boundaries of the Lummi Reservation or Trust Lands. The LIBC may lift this Banishment Resolution upon 2/3<sup>rd</sup> vote in support of lifting this Resolution; and

**BE IT FINALLY RESOLVED**, that the Chairman (or the Vice Chairman 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. The Chairman (or the Vice Chairman in his absence) shall notify all appropriate federal agencies, including the Bureau of Indian Affairs, of this Resolution and action.

## 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 #**2020-140** was adopted at a **Regular/Special** Meeting of the Council held on the **17<sup>th</sup>** day of **November**, 2020 at which time a quorum of **7** was present by a vote of **6** for, **0** against, and **0** abstention(s).



**William Jones, 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:

Clearances	Initial	Date	Comments	Resolution # 2020-140	Agenda Date: 11/17/2020
Originator	AP	11/9/2020		Title: Banishment of Dale Casey	
ORA C. Cartwright	CC	11/5/20		Name of Presenter: Andrew Pollom	
Department Director	CC	11/9/2020		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 <small>Only if a Financial Impact</small>	/	/		General Manager	Other:
Chair or Vice Chair				Contact Information of Person Dropping Off at C.O.	

Please give a brief narrative of your agenda item: Banishment of Dale Casey

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: \_\_\_\_\_

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

Signature Received by: Teresa B. [Signature]

Date & Time 11/9/2020 10:40/2020