



LUMMI INDIAN BUSINESS COUNCIL

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RESOLUTION #2015-173 OF THE LUMMI INDIAN BUSINESS COUNCIL

TITLE: Banishment of Dezi-Ray Thomas Louie

WHEREAS, the Lummi Indian Business Council 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 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, in Resolution 2012-025, the LIBC adopted the following mission statement: "To Preserve, Promote, and Protect our Sche Lang en"; 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, in accordance with respective articles of the Constitution of the United States of America, Article Nine of the Treaty of Point Elliot provides:

"... And if any of the said Indians commit depredations on other Indians within the Territory the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial."; and

WHEREAS, Article Ten of the Treaty of Point Elliot further provides that:

"The above tribes and bands are desirous to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Indian belonging to said tribe who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportions of the annuities withheld from him or her for such time as the President may determine."; and

WHEREAS, in United States v. Washington, 384 Fed. Supp. 360, the Federal Court concluded,

"The Lummi Tribe is the present day tribal entity which, ..., is a political successor in interest to some of the Indian tribes or bands which were parties to the Point Elliot Treaty. This tribe is recognized by the United States as a currently functioning Indian tribe maintaining a tribal government on the Lummi Indian Reservation. Its membership is determined in accordance with its Constitution and By-Laws approved by the Commissioner of Indian Affairs on April 12, 1948, as amended April 10, 1970."; and

WHEREAS, the Preamble to the 1970 Lummi Constitution states it is the intent of the People to make the tribal government "responsive to the tribe, to develop our community resources, administer justice, protect our tribal interests, and promote the economic and social welfare of ourselves and our descendants, and to preserve our land base, culture, and identity, ...". Which is definitive of the demand of our tribal constituency for said government to protect the tribal public from all such activities and actions that are injurious to the best interests of the tribal community and values; and

WHEREAS, the Lummi Nation has enacted Title 12- Expulsion and Exclusion of Non-members from the Lummi Indian Reservation. This provides, under Section 12.1.01 Who May Be Excluded- "Any non-member of the Lummi Indian Tribe, except persons authorized by federal law to be present on tribal land, may be excluded from the Lummi Indian Reservation."; and

WHEREAS, it is further provided, under Section 12.1.02 Grounds for Exclusion- (f) Any act causing physical loss or damage of any nature to tribal property or property of any enrolled member. (g) Crime, as defined by state or federal law. (h) Violation of any tribal ordinance, or the Law and Order Code. (i) Immorality. (q) Use, possession or sale of any drug, narcotic drug or controlled substance as defined by the State Uniform Controlled Substances Act.; 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;
[Amended: Resolution #97-38, February 11, 1997.]; and

WHEREAS, the power to declare "abandonment of membership" predates the Treaty of Point Elliot, as a matter of traditional and cultural law, and inclusion of such concepts and powers in the treaty, Lummi Constitution, or otherwise is only a manifestation of some of the powers delegated, but are in fact only a part of those rights reserved to the LIBC, under the Lummi Constitution (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), in that 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, the United States, through extensive investigation in cooperation with the Lummi Nation, has convicted **DEZI-RAY THOMAS ARNEZ LOUIE, DOB: 1/9/1989**, of Involuntary Manslaughter, in violation of 18 U.S.C. § 1112, for the killing of a Lummi Tribal Member on the Lummi Reservation; and the federal process has assured that his due process and civil rights were protected, and the respective governments did concurrently press for and obtain federal indictment and conviction; and

WHEREAS, DEZI-RAY THOMAS ARNEZ LOUIE, DOB: 1/9/1989, was convicted of the crime of Vehicular Assault in Whatcom County (WA) Superior Court in 2007, of Robbery in First Degree in Whatcom County (WA) Superior Court in 2004, of Vehicular Assault in King County (WA) Superior Court in 2003, and of Criminal Trespass in the First Degree in Whatcom County (WA) Superior Court in 2003; and

WHEREAS, based on the foregoing, the LIBC finds that **DEZI-RAY THOMAS ARNEZ LOUIE, DOB: 1/9/1989**, is an immediate and imminent threat to the health, safety and welfare of the Lummi Nation; and

WHEREAS, in Resolution #2014-016, the LIBC accepted the relinquishment request of and disenrolled **DEZI-RAY THOMAS ARNEZ LOUIE, DOB: 1/9/1989**, and formally notified the United States Bureau of Indian Affairs of this disenrollment.

NOW, THEREFORE BE IT RESOLVED, the Lummi Indian Nation, hereby, declares and recognizes that said **DEZI-RAY THOMAS ARNEZ LOUIE, DOB: 1/9/1989**, have "abandoned" all right or privilege of Lummi Membership, and in accordance with LIBC Resolution #2014-016, all agencies of the Lummi Nation government shall be informed to withdraw his name from their rolls, and he shall hereafter not be considered eligible to exercise the rights and privileges of membership.

BE IT FURTHER RESOLVED, the Office of the Chairman, the Office of the Reservation Attorneys, the Office of the Lummi Prosecutor, the Lummi Law & Order Office, and the Lummi Tribal Court, all shall respectively initiate and complete the "expulsion and exclusion" of said persons from the Lummi Indian Reservation, which shall remain in effect until otherwise notified by the Lummi Indian Business Council.

BE IT FURTHER RESOLVED, that in accordance with LIBC Resolution #98-127, **DEZI-RAY THOMAS ARNEZ LOUIE, DOB: 1/9/1989**, shall comply with the complete terms of that Resolution before his abandonment or disenrollment of Lummi membership may be reconsidered.

BE IT FINALLY RESOLVED, that 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 Recording Secretary in his/her absence) is authorized and directed to execute the following certification on 10th of December, 2015

Timothy Ballew II, Chairman

☐ Yes ☐ No

Cheryl Sanders 12.16.15

Cheryl Sanders, Vice-Chair
☒ Yes ☐ No

Shasta Cano-Martin, Secretary

☐ Yes ☐ No

Celina Phair

Celina Phair, Treasurer
☒ Yes ☐ No

Julie Finkbonner, Council Member

☐ Yes ☐ No

Rita Jefferson

Rita Jefferson, Council Member
☒ Yes ☐ No

Travis Brockie

Travis Brockie, Council Member

☒ Yes ☐ No

Jeremiah Julius, Council Member
☐ Yes ☐ No

Steven Toby

Steven Toby, Council Member

☒ Yes ☐ No

Nickolaus Lewis


Nickolaus Lewis, Council Member
☒ Yes ☐ No

Henry Cagey

Henry Cagey, Council Member

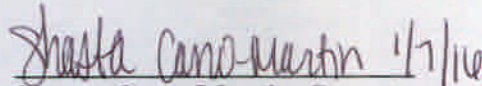
☒ Yes ☐ No

LUMMI NATION


Timothy Ballew II, Chairman
Lummi Indian Business Council

CERTIFICATION OF RATIFICATION

As Secretary of the Lummi Indian Business Council, I hereby certify that the above Resolution #2015-173 was adopted at a Regular Meeting of the Council held on the 5th day of **January 2016**, at which time a quorum of **10** was present by a vote of **9** for, **0** against, and **0** abstention(s).


Shasta Cano-Martin, Secretary
Lummi Indian Business Council





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