



LUMMI INDIAN BUSINESS COUNCIL

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

RESOLUTION #2021-033 OF THE LUMMI INDIAN BUSINESS COUNCIL

TITLE: Banishment of Terry Miller, DOB August 14, 1963

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 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, the Lummi Nation 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 "All which tracts shall be set apart, and so far as necessary surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the said tribes or bands;" and

WHEREAS, TERRY MILLER, DOB August 14, 1963, is a non-tribal individual who was found residing on the Lummi Reservation without the permission of the Lummi Nation in violation of the traditions of the Lummi Nation and in violation of the provisions of the Treaty of Point Elliot. The Trespasser's Working Group recommends that the LIBC banish **TERRY MILLER** from the Lummi Reservation and its Trust Lands for residing on the Reservation without the permission of the Lummi Nation and for his refusal to not unlawfully dwell on tribal land after repeated requests.

NOW, THEREFORE BE IT RESOLVED, in accordance with the inherent sovereign right of the Lummi Nation, the person **TERRY MILLER** is hereby **BANISHED AND TRESPASSED** from the Lummi Reservation and its Trust Lands by the Lummi Indian Business Council; and

BE IT FURTHER RESOLVED the Council Operations shall forward a copy of this resolution to the Lummi Nation Police Department. The Lummi Nation Police Department are to serve copies of this resolution to **TERRY MILLER** and instruct him to leave the boundaries of the Lummi Reservation and its Trust Lands immediately upon receipt of this Resolution. 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 **TERRY MILLER** is found within the boundaries of the Lummi Reservation or its Trust lands, 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, **TERRY MILLER** 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 NATION



Lawrence Solomon, Chairman
Lummi Indian Business Council

CERTIFICATION

As Secretary of the Lummi Indian Business Council, I hereby certify that the above Resolution #**2021-033** was adopted at a **Regular/Special** Meeting of the Council held on the **6th** day of **April, 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., 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 # 2021-033	Agenda Date: 4/6/2021
Originator	DP	3/31/2021		Title: Banishment of Terry Miller, DOB 8/14/1963	
ORA C. Cartwright	CC	3-31-21		Name of Presenter: Drew Pollom(Trespasser's Working Group)	
Department Director	CC	3-31-21		Financial impact (if yes please attach Executive Summary):	Budgeted item: Y N
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	Natural Resources
Treasurer <small>Only if a Financial Impact</small>	/	/		General Manager	CFO
Chair or Vice Chair	VS	3/31/21		Council Officers	
				Other:	
				Contact Information of Person Dropping Off at C.O.	

Please give a brief narrative of your agenda item: Trespassing Terry Miler via banishment as recommended by the Trespassers Working Group

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. Miller

Date & Time 3/31/21

Resolution # 2021-032