



LUMMI INDIAN BUSINESS COUNCIL

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RESOLUTION #2020-062 OF THE LUMMI INDIAN BUSINESS COUNCIL

Title: Banishment of Steven Main, Trisha Main, Katie Webb, Nhein Nguyen, and Daniel Elting

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, 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, in accordance with respective articles of the Constitution of the United States of America, Article Nine of the Treaty of Point Elliot further provides that:

"... 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

"[r]esponsive 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, 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, STEVEN MAIN, DOB: 09/23/1964 a non-tribal member has been convicted of the following charges: **DWLS in the 3rd Degree, Case No. 9X0281834; DWLS in the 3rd Degree, Case No. 7Z0804910; Shoplifting, Case No. CB0105131; Shoplifting, Case No. CB0068277; Assault in the 4th Degree, Case No. AC0036076; Disorderly Conduct, Case No.**

CB0064068; DWLS in the 2nd Degree, Case No. C00006969; Assault in the 4th Degree, Case No. CB0046242; Obstructing Law Enforcement, Case No. AC0024501; Malicious Mischief in the 3rd Degree, Case No. CB030554; Shoplifting, Case No. CB030444; DWLS in the 1st Degree, Case No. C0014215; DWLS in the 1st Degree, Case No. CB0009372; Assault (DV), Case No. AC0008981; Obstructing Law Enforcement, Case No. CB0014938; DUI, Case No. CB0014937; Assault (DV), Case No. CB0009668; Violation of a Protection Order, Case No. CB0006324; DWLS in the 2nd Degree, Case No. 7946960; DUI, Case No. 7920636; First Degree Criminal Trespass, Case No. B0027741; Threats, Case No. B0033121; Obstructing Law Enforcement, Case No. PA0003400; Possession of Paraphernalia, Case No. B00027126; Malicious Mischief, Case No. B00026475; Disorderly Conduct and Resisting Arrest, Case No. B0020347; Drinking in Public, B0019698; DUI, Case No. 91112; Protection Order Violation and two counts of Custodial Interference in the 1st degree, Case No. 06-1-00265-5; Protection Order Violation, Case No. 05-1-01459-1; Malicious Mischief, Case No. 04-1-00895-9; Malicious Mischief, Case No. 01-1-01019-3; Assault in the 4th Degree, Case No. 98-1-01161-3; Harassment, Case No. 98-1-01161-3; Malicious Mischief in the 3rd Degree, Case No. 97-1-00881-9; Manslaughter in the 1st Degree, Case No. 91-1-00418-1; Control Substance Violation: Manufacturer/Delivery, Case No. 88-1-00170-0; and DUI, Case No. 89-1-0030-2; and

WHEREAS, STEVEN MAIN, DOB: 09/23/1964, a non-tribal member 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; and

WHEREAS, TRISHA MAIN, DOB: 8/11/1974, a non-tribal member has been convicted of the following charges: Theft in the 3rd Degree, Case No. 8Z0873718; Violating Order Restricting Order, Case No. AC0035130; DWLS in the 3rd Degree, Case No. CB0064054; DWLS in the 3rd Degree, Case No. AC0032810; Protection Order Violation, Case No. AC0031092; DWLS in the 3rd Degree, Case No. CB0042748; and Two Counts of Custodial Interference in the 1st Degree, Case No. 06-1-00201-9. TRISHA MAIN also has a pending charge of: Control Substance Violation, Case No. 19-1-00873-6; and

WHEREAS, TRISHA MAIN, DOB: 8/11/1974, a non-tribal member has been residing within the Lummi Reservation without the permission of the Lummi Nation in violation of the Treaty of Point Elliot and through her personal conduct is an immediate and imminent threat to the safety, health, and welfare of the Lummi Community; and

WHEREAS, KATIE WEBB, DOB: 7/2/1992, a non-tribal member has been convicted of the following charges: Theft in the 3rd Degree, Case No. C00083169; DWLS in the 3rd Degree, Case No. C00084282; False Statement to Public Servants, Case No. 15-1-00733-8; and Control Substance Violation-No perscription, Case No. 14-1-0019-1. KATIE WEBB also has the following pending charge, Control Substance Violation-No Perscription and Residential Burglary, Case No. 19-00701-2; and

WHEREAS, KATIE WEBB, DOB: 7/2/1992, a non-tribal member has been residing within the Lummi Reservation without the permission of the Lummi Nation in violation of the Treaty of Point Elliot and through her personal conduct is an immediate and imminent threat to the safety, health, and welfare of the Lummi Community; and

WHEREAS, NHIEU AKA NHIEN NGUYEN, DOB: 6/12/1988 a non-tribal member has been convicted of the following charges: **DWLS in the 3rd Degree, Case No. 9Z0590310; DWLS in the 3rd Degree, Case No. 7Z0810195; Theft in the 3rd Degree, Case No. C0008852; Theft in the 3rd Degree, Case No. 6Z0603036; DWLS in the 3rd Degree, Case No. 6Z0507068; Theft in the 3rd Degree, Case No. 5Z0771308; Malicious Mischief, Theft in the 3rd Degree, and Making Burglary Tools, Case No. 5Z1151543; and Theft in the 3rd Degree, Case No. C0010242.** The individual has the following pending charges: **Control Substance Violation, Case No. 19-1-01380-2; Theft in the 3rd Degree, Case No. CB0106502; and DWLS in the 3rd Degree, Case No AC0058986; and**

WHEREAS, NHIEU AKA NHIEN NGUYEN, DOB: 6/12/1988, a non-tribal member has been residing within the Lummi Reservation without the permission of the Lummi Nation in violation of the Treaty of Point Elliot and through her personal conduct is an immediate and imminent threat to the safety, health, and welfare of the Lummi Community; and

WHEREAS, DANIEL ELTING, DOB: 12/6/1979, a non-tribal member has been convicted of the following charges: **Obstructing Law Enforcement, Case No. CB0080834; Obstructing Law Enforcement, Case No. 33387; Obstructing Law Enforcement, Case No. 32857; Obstructing Law Enforcement, Case No. 31757; Possession of Paraphernalia, Case No. CR0065856; Resisting Lawful Arrest, Case No. C00036012; Malicious Mischief (DV), Case No. CR0006490; Possession of Stolen Property, Case No. 05-1-012531-1; and Possession of Stolen Property, 2nd Degree, Case No. 05-1-02007-0.** The individual also has the following pending charges: **Residential Burglary, Case No. 19-1-00702-1; and**

WHEREAS, DANIEL ELTING, DOB: 12/6/1979, a non-tribal member 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.

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 STEVEN MAIN, DOB: 09/23/1964, TRISHA MAIN, DOB: 8/11/1974, KATIE WEBB, DOB: 7/2/1992, NHIEN NGUYEN, DOB: 6/12/1988, DANIEL ELTING, DOB: 12/6/1979, from the Lummi Indian Reservation and its Trust Lands, which shall remain in effect until otherwise notified by the Lummi Indian Business Council; and

BE IT FURTHER RESOLVED, that in accordance with the inherent sovereign right of the Lummi Nation, the persons STEVEN MAIN, DOB: 09/23/1964, TRISHA MAIN, DOB: 8/11/1974, KATIE WEBB, DOB: 7/2/1992, NHIEN NGUYEN, DOB: 6/12/1988, DANIEL ELTING, DOB: 12/6/1979, are 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 within 72 hours 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 any individuals are found within the boundaries of the Lummi Reservation or its Trust lands they shall be charged with Trespass under RCW 9A.52.070; and

BE IT FURTHER RESOLVED, that the individuals STEVEN MAIN, DOB: 09/23/1964, TRISHA MAIN, DOB: 8/11/1974, KATIE WEBB, DOB: 7/2/1992, NHIEN NGUYEN, DOB: 6/12/1988, DANIEL ELTING, DOB: 12/6/1979, 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 2/3rd 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.

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 #2020-062 was adopted at a **Regular/Special** Meeting of the Council held on the 6th day of April at which time a quorum of 8 was present by a vote of 7 for, 0 against, and 0 abstention(s).



**Cheryl Sanders, Secretary
Lummi Indian Business Council**

