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## **9<sup>th</sup> Circuit Court of Appeals Affirms DOI's Recognition of Tribal Council**

Yesterday, the United States 9<sup>th</sup> Circuit Court of Appeals affirmed the dismissal of a challenge to the Department of Interior's 2018 recognition of the Nooksack Tribal Council. Although the litigation spanned nearly three years and several council elections, the Court's opinion was a welcomed result.

In 2017, following various internal struggles, an MOU with the Department of Interior to hold an election, and a December 2017 special Tribal Council election, the Department of Interior recognized the then-seated Nooksack Tribal Council, and resumed its government to government relationship with the Tribal Council. Unfortunately, Interior's resumption of the government to government relationship with the Tribal Council was not welcomed by all.

Several tribal candidates challenged Interior's recognition of the newly elected Tribal Councilpersons in federal court in June 2018. Although the U.S. government was the named party, the litigants squarely targeted the Nooksack Tribe and its Tribal Council. The District Court ultimately held the case for over 11 months until Judge Zilly dismissed the election contestants challenge in August 2019, which led to the current appeal.

Yesterday, three years after the Special Election, the Ninth Circuit Court of Appeals has ended the challenge and found in favor of the United States. The challenge also ended another attack on the Tribe's processes in a foreign court and reaffirmed the basic principle that internal tribal disputes are to be resolved in tribal forums; in this case, the Nooksack Tribal Court.

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