



NOOKSACK INDIAN TRIBE

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NEWS RELEASE

Nooksack Tribe Prevails in Dispute Over Tribal Court

Federal Court Dismisses Case for Failure to Respect Tribal Court

Deming, WA, June 3, 2021 --- The Chairman of the Nooksack Indian Tribe, Ross Cline, Sr., has announced today that the federal court in Seattle has dismissed a case against the Nooksack Indian Tribe because a former tribal member failed to pursue her claims in the Nooksack Tribal Court. The federal court decision was based on the fact that the former tribal member had potential remedies under Nooksack tribal law that she had failed to pursue.

Because the Nooksack Tribe's governing authority has been reconfirmed by the U.S. Department of the Interior, the federal court concluded the Nooksack Tribal Court is a valid, functioning court and that the former tribal member must pursue her claims there instead of in federal court. The BIA has repeatedly reaffirmed that the Nooksack Tribe remains in good standing. In a September 18, 2019 letter addressed to Whatcom County, the BIA Northwest Regional Director Bryan Mercier affirmed that the BIA recognizes the Nooksack Indian Tribe's system of governance and all "actions and operations of the duly elected Tribal Council." Director Mercier went on to state that the Nooksack Tribal Council is authorized to receive a "broad spectrum of services directly or through contracts, grants, or compacts ..."

The former tribal member argued that the Nooksack Indian Tribe lacked jurisdiction over her because she lived on tribal trust land outside the Nooksack Reservation. The federal court rejected this argument, noting that federal courts and even Washington state courts agree that the Tribe has criminal jurisdiction over off-reservation trust lands. The former tribal member had also relinquished enrollment in the Nooksack Indian Tribe in an effort to escape responsibility for refusing to comply with a Nooksack Tribal Court order for child visitation. After more than a dozen violations of the tribal court order, she was arrested. She then filed several lawsuits against the Tribe, against Whatcom County and against the police officers who served her with the court warrant. The federal court was not impressed with her conduct and dismissed her case in September 2020, and she repeatedly asked for the court to reconsider. The federal court has finally refused, and she now must face the tribal court.

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