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THE FEDERAL NINTH CIRCUIT COURT OF APPEALS ONCE AGAIN REAFFIRMS THE SOVEREIGNTY AND JURISDICTION OF THE NOOKSACK INDIAN TRIBE

Seattle Attorney Gabe Galanda lost his third successive appeal before the Ninth Circuit against the Nooksack Tribe, in his ongoing attempt to deny tribal governments and tribal courts their sovereignty and jurisdiction. Galanda has lost every case against Nooksack, and the courts have upheld the sovereignty and self-determination of the Nooksack Indian Tribe.

Deming, WA, February 16, 2022 – Yesterday the federal Ninth Circuit Court of Appeals affirmed the dismissal of Elile Adams’s case against the Nooksack Indian Tribe. Represented by Gabe Galanda, Ms. Adams argued that the Nooksack Tribe lacked jurisdiction over her because she lived on off-reservation trust land, because the tribal court acted in bad faith, and because she was denied due process, as her attorney Galanda was not allowed to appear in tribal court.

The federal court rejected all three arguments. It held that:

- The Tribe and the State have concurrent criminal jurisdiction over off-reservation trust land.
- The Tribal Court showed its good faith by appointing a pro tem judge to preside over her case.
- Gabe Galanda was not allowed to appear because he was not licensed to practice there and ***had not paid the proper filing fee.***

In short, all her arguments were rejected in ways that reaffirm the Tribe’s jurisdiction and the integrity of the Tribe’s procedures. The federal court stated yesterday that Ms. Adams “has not explained why she cannot receive a fair hearing,” and that her attorney Gabe Galanda “was not licensed to practice before the tribal court and failed to pay the proper filing fee.” The high court wrote: “Indian tribes have power to make their own substantive law in internal matters and to enforce that law in their own forums.” This is a substantial statement made by the high court rejecting the arguments of an attorney who has spent years repeatedly challenging the self-determination and sovereignty of the Nooksack Tribe.

Ms. Adams has multiple cases pending, one against several Nooksack police officers for serving a warrant, and two against Sheriff Elfo and Deputy of Corrections Wendy Jones for incarcerating her.

In addition to losing countless cases against the Nooksack Indian Tribe before federal, state, and tribal courts and administrative forums, Galanda has also filed a bar complaint against every attorney who has



represented the Nooksack Tribe in recent years in an obvious attempt to deprive the Tribe of legal representation. Each of these complaints has thus far been rejected by the Washington Bar Association.

“We expect Gabe Galanda to file more frivolous lawsuits and complaints, and our attorneys stand ready to again successfully defend our Tribe and our staff against his ongoing harassment,” said Roswell Cline Sr., Tribal Chair. “Going forward, self-determination still means that the Nooksack Tribe is home to those who meet one of our six paths to enrollment here. We encourage all those who are not qualified to enroll to move on, just as we did after disenrollment six years ago. The Nooksack Tribe will not be distracted or deterred by those who oppose our sovereignty. We will continue to focus on our good work of restoring salmon habitat, providing resources for our people, and building a new health clinic in the region.”

Many of those who were disenrolled in 2016 are members of the Skway Band in British Columbia. Some have even gone on to hold elected office there. Michele Roberts and Robert Gladstone, both current or former clients of Gabe Galanda and among the 315 disenrolled from Nooksack, are elected as council member and chief councilor at Skway respectively, according to the Skway government website. They have access to services, resources, and their own tribal culture. The Tribe wishes them every success at Skway.

Enrollment options at Nooksack are relatively expansive and the Tribal Constitution spells out six ways an individual can qualify for membership. “For those who qualify and wish to become enrolled citizens of Nooksack -- our Enrollment Office is open to you,” said Lona Johnson, Nooksack Tribal Council Member. “Most sovereign nations around the world grant citizenship based on descendency. Whether it is an international country or a federally recognized Indian tribe, lineal descendency is a common path to citizenship. Over six years ago 315 people were removed from Nooksack enrollment because they could not prove citizenship. At any point these individuals are welcome to bring in their papers. One person has successfully done that.”

About the Nooksack Indian Tribe

The Nooksack Indian Tribe is a federally recognized tribe, part of the Point Elliott Treaty of 1855, and today is based on their ancestral homeland of Whatcom County. They are Coast Salish people who lived, fished, hunted, and gathered for untold generations in their historic traditional lands from the base of Mt. Baker to the saltwater at Bellingham Bay. They extended into Skagit County to the south, and British Columbia to the north. Their territory included a primary Nooksack area, not open to free use by members of other groups, and joint-use areas, which were shared. Today there are approximately 2,000 enrolled tribal members. The Nooksack reservation is in the town of Deming, WA with tribal land extending from Lynden to the South Fork Valley.

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