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IN THE NOOKSACK TRIBAL COURT

SONIA LOMELI; TERRY ST. GERMAIN;
NORMA ALDREDGE; RAEANNA
RABANG; ROBLEY CARR, individually on
behalf of his minor son, LEE CARR, enrolled
members of the Nooksack Indian Tribe,

Plaintiffs,

v.

ROBERT KELLY, Chairman of the Nooksack
Tribal Council; RICK D. GEORGE, Vice-
Chairman of the Nooksack Tribal Council;
AGRIPINA SMITH, Treasurer of the Nooksack
Tribal Council; BOB SOLOMON,
Councilmember of the Nooksack Tribal
Council; KATHERINE CANETE,
Councilmember of the Nooksack Tribal Council
and Nooksack General Services Executive;
LONA JOHNSON, Councilmember of the
Nooksack Tribal Council; and ROY BAILEY,
Tribal Enrollment Office official,

Defendants.

NO. 2013-CI-CL-001

SECOND DECLARATION OF
GABRIEL S. GALANDA

I, Gabriel S. Galanda, say:

1. I am over eighteen years of age, I am competent to testify, and I have personal
knowledge of the facts set forth herein.

2. I am co-counsel of record for Plaintiffs in the above-captioned action.

1 3. Attached to this declaration, as **Exhibit A**, is a true and correct copy of a 1972
2 U.S. Department of the Interior Office of Hearings and Appeals Summary of Family History and
3 Inventory listing Matsqui George, Annie George's biological father, as "Nooksack" by blood.

4 4. Attached to this declaration, as **Exhibit B**, is a true and correct copy of May 7,
5 2013, Dr. Jay Miller Opinion Letter, without attachments, in which letter he concludes: "In all, it
6 is my informed professional opinion that because at least Matsqui George was Nooksack by
7 blood, his biological daughter, Annie George Mack James, was too. As such, Annie and her
8 heirs are fully qualified to be enrolled Nooksack, as they have been for decades."

9 5. Attached to this declaration, as **Exhibit C**, is a true and correct copy of A March
10 28, 2013, Recall Petition Rebuttal Statement of Tribal Councilperson Michelle Roberts, wherein
11 she states: "My status as a properly enrolled Nooksack Tribal Member is supported by the
12 October 25, 1996 Legal Opinion of the Tribe's lawyer/counsel of record, Thomas P. Schlosser,
13 Esq., which provides: 'the descendants of Annie George James qualify under other sections of
14 the Constitution, in particular the category in Article II, section 1(H), that 'encompasses 'persons
15 who possess at least 1/4th degree Indian blood and who can prove Nooksack ancestry to any
16 degree.'"

17 6. Attached to this declaration, as **Exhibit D**, is a true and correct copy of a April 19,
18 2013, letter from defense counsel Grett Hurley.

19 7. Attached to this declaration, as **Exhibit E**, is a true and correct copy of a April 1,
20 2013, letter from me to Defendant Bob Kelly.

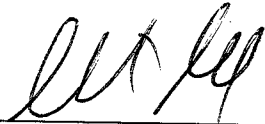
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1 The foregoing statement is made under penalty of perjury under the laws of the Nooksack
2 Tribe and the State of Washington.

3 DATED this 29th day of March, 2013, at Seattle, Washington

4 
5 _____
6 Gabriel S. Galanda

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EXHIBIT A

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS

SUMMARY OF FAMILY HISTORY AND INVENTORY

ESTATE OF Louis (Louie) George TRIBE Nooksack No. Unallotted
 MARRIAGES. Died 1/14/1966, age 89, intestate.

NAME	MARRIED		DATE OF DEATH	DIVORCED		TRIBE AND ALLOTMENT NUMBER (If white, so state)
	Date	How		Date	How	
Josie Sampson George	1900	License	11/23/54	Not	Divorced	Nooksack (Una

CHILDREN. (Show facts regarding illegitimacy and adoption under "Additional Information.")

NAME	SEX AND AGE	NAME OF OTHER PARENT	DATE OF DEATH
None			

CHILDREN OF DECEASED CHILDREN.

NAME	SEX AND AGE	NAMES OF BOTH PARENTS (If one is white, so state)	DATE OF DEATH
None			

PARENTS. (If either is white, so state.)

NAMES	MARRIED		DATE OF DEATH	TRIBE AND ALLOTMENT NUMBER (If white, so state)
	Date	How		
Father: Matsqui George	B/A	License	B/A	Nocksack (Unal)
Mother: Madeline George	B/A	Do	1905	Do

BROTHERS AND SISTERS.

NAMES	SEX AND AGE	NAME OF COMMON PARENT IF NOT OF WHOLE BLOOD	DATE OF DEATH
Amanda Hawley George	F. (born) Adult	Whole Blood	2/14/1932
Cornelius Kelleher	M. 1872	Madeline George.	Living

CHILDREN OF DECEASED BROTHERS OR SISTERS.

NAMES	SEX AND AGE	NAMES OF BOTH PARENTS	DATE OF DEATH
George Sampson	M. 10/30/1921	Fa. William Sampson Mo. Amanda Hawley George	Living
Mary Sampson Thomas	F. 12/5/1925	Do	Living
Ernest Hawley	M. 1914	Fa. Dick Hawley Mo. Amanda Hawley George	Living
Franklin Hawley	M. 1918	Do	Living

GRANDPARENTS. (If any are white, so state.)

NAMES	MARRIED		DATE OF DEATH	TRIBE AND ALLOTMENT NUMBER (If white, so state)
	Date	How		
Paternal gf, Not Shown				
Paternal gm, Do				
Maternal gf, Do				
Maternal gm, Do				

COLLATERAL RELATIVES. (Give line of descent from common ancestor of decedent; give names and designate parents and grandparents of heir, in line from common ancestor by letters *f, m, gf, gm, ggf, ggm*, etc.)

NAME OF NEAREST RELATIVES WHO SURVIVED DECEDENT	IF DEAD, GIVE DATE; AND USE EXTRA SHEETS FOR SURVIVING FAMILY	HOW RELATED— DEGREE	ANCESTRY IN LINE FROM COMMON ANCESTOR
Not involved.			

ADDITIONAL INFORMATION. (Discuss all material facts not clearly stated elsewhere herein. Attach extra sheets if necessary.)

10-57212-2

None

INVENTORY OF ESTATE, SO FAR AS KNOWN, UNDER GOVERNMENT CONTROL.

PERSONAL PROPERTY.

AMOUNT	DESCRIPTION AND SOURCE	WHERE DEPOSITED
None at death		

REAL PROPERTY. (Show allotment number, name and description of original allotment. Show all inherited interests, with number and name of allottee, fractional share, and probate numbers; and all interests acquired by partition, purchase, or otherwise. Use extra sheets as required.)

16-57212-1

U. S. GOVERNMENT PRINTING OFFICE

DECEDENT WAS NOT ALLOTTED

Value of trust realty	_____	\$2,000.00
Value of trust personalty at death	_____	None
Total value of trust estate at death	_____	\$2,000.00

EXHIBIT B

Nooksack Pedigrees
RE: Annie George Mack James

Nooksack People, living on the slopes of Mount Baker and speaking a distinctive Central Coast Salish language, meshed into the regional native cultures. Families interlinked within overlapping networks, as many scholars have noted, especially myself, Dr. William Elmendorf, Dr. Wayne Suttles, and Dr. Dorothy Kennedy.¹ Highest prestige came from neighbors and others outside the home community, so intermarriage with important families in those networks farther away assured nobility across generations.

Diseases triggered what is called "Morey's Law" whereby upriver peoples moved downriver to occupy orphaned lands after many coastal people died off before and after 1800. As a result, many Nooksack moved down off the slopes and along the Fraser and other rivers, spreading members widely. US law and boundaries further complicated these networks, but they persisted.

Periodic censuses were taken to determine the numbers of tribes and service populations, but no census was fully effective and portions of tribes were always missed, both by accident and by malicious intent of US or tribal officials.

The attached certified BIA documentation from Louie George's probate file (PO 61 K71) raises all of these issues since both his parents Matsqui George and Madeline appear in US records as full-blooded Nooksack Indians, yet his half-sister Annie George Mack James, and especially her children, were left out.

Louie is on the 1942 US Indian Census Roll, but Annie is not. Although I am of the opinion that Annie was entitled to be on that federal Census, she was possibly omitted by simple clerical error. In any event, Annie undoubtedly meets Nooksack membership criteria as set out in the 24 September 1973 Constitution and Bylaws of the Nooksack Indian Tribe of Washington as amended.

In all, it is my informed professional opinion that because at least Matsqui George was Nooksack by blood, his biological daughter, Annie George Mack James, was too. As such, Annie and her heirs are fully qualified to be enrolled Nooksack, as they have been for decades.

Sincerely,



Dr Jay Miller
Seattle, Washington
7 May 2013

Attachments: Certified Probate Records (PO 61 K71)
Curriculum Vitae

¹ Jay Miller, Lushootseed Culture and the Shamanic Odyssey: An Anchored Radiance, 1999; Dorothy Kennedy, Looking For The Tribe In The Wrong Places: An Examination Of The Central Coast Salish Social Network, 1993; Threads To The Past: Construction and Transformation of Kinship in Coast Salish Social Networks, 2000.

EXHIBIT C

REBUTTAL STATEMENT OF MICHELLE ROBERTS

I am in receipt of the Nooksack Tribal Recall Petition filed against me by Julie Jefferson on March 14, 2013. Ms. Jefferson says that "the reason for this petition" is because "Michelle Roberts (Rabang) & her family are not lineal descendants of the Nooksack Indian Tribe." That is a legally insufficient reason for her Recall Petition. Ms. Jefferson otherwise has no legitimate reason to file a Recall Petition against me.

Nowhere does Ms. Jefferson allege any "specific facts and dates, of actions or inactions" attributable to me, as required by Article V, Section 4(b)(i) of the Nooksack Constitution. Nor does Ms. Jefferson allege any grounds for recall pursuant to Article V, Section 4 of the Nooksack Constitution. For example, she alleges no malfeasance, misfeasance or nonfeasance whatsoever – let alone through the specific statement of my alleged action or inaction, supported by facts and dates, all of which is required by Article V, Sections 4(b)(i), (ii), (iii), and (iv) of the Nooksack Constitution. Ms. Jefferson asserts no facts or dates because there are no actions or inactions attributable to me that in any way justify her Recall Petition. Indeed, all she can *allege* is that my family and I are not lineal descendants of the Nooksack Indian Tribe.

As such, the Nooksack Petition Review Board/Tribal Council ("Tribal Council") has no choice but to deem Ms. Jefferson's Recall Petition insufficient as to subject matter. Should the Tribal Council somehow determine that Recall Petition sufficient, the Tribal Council will have violated Article V, Section 4 of the Nooksack Constitution as well as Chapter 63.03 of the Constitutional Petition Ordinance. In that event, the actions of any complicit Tribal Councilpersons or other Tribal officials would be actionable against them under Nooksack Tribal Law and Title II of the Civil Rights Act of 1968, 82 Stat. 77 ("ICRA"), as incorporated into Tribal Law via Article IV of the Nooksack Constitution. *See Olson v. Nooksack*, 6 NICS App. 49, 54 (2001) ("[R]equirements of ICRA and other federal and tribal statutes are enforceable against tribal officials.").

To the extent the Tribal Council illegally deems Ms. Jefferson's stated "reason" to be sufficient as to subject matter, I rebut that reason on the grounds that I am properly enrolled as a Nooksack Tribal Member pursuant to, at least, Article II, Section 1(h) of the Constitution. That subsection explicitly grants Nooksack enrollment to "[a]ny persons who possess at least one-fourth (1/4) degree Indian blood and who can prove Nooksack ancestry to any degree." I descend from Annie George. I possess 3/4 Indian blood. I am of Nooksack ancestry. My status as a properly enrolled Nooksack Tribal Member is supported by the October 25, 1996 Legal Opinion of the Tribe's lawyer/counsel of record, Thomas P. Schlosser, Esq., which provides: "the descendants of Annie George James qualify under other sections of the Constitution, in particular the category in Article II, section 1(H), that 'encompasses 'persons who possess at least 1/4th degree Indian blood and who can prove Nooksack ancestry to any degree.'" In fact, I qualify for Nooksack Tribal enrollment under at least Article II, Section 1(h) of the Constitution. As such, I am properly on Tribal Council per Article IV of the Constitution.

mr
1

Further, Ms. Jefferson apparently bases her "reason" on what some unnamed "tribal elders have told" her, rather than through any form of competent proof that my family and I "are not lineal descendants of the Nooksack Indian Tribe" as she alleges. Rather than produce any supporting documentation that support her allegations (*see* Nooksack Tribal Recall Petition, "Supporting Documentation") or any other form of competent evidence to support her stated "reason" for my recall, she appears to merely rely upon hearsay, conjecture, speculation and rumor to suggest that I am not a Nooksack Indian.

In all, Ms. Jefferson's factually unsupported and general "reason" for her Recall Petition against me is false and specious, and must be rejected by the Tribal Council. I further defense of the reckless and hateful written and other statements Ms. Jefferson has made against me, I reserve the right to seek monetary damages and other legal remedies against her and anybody else within my Tribe who is complicit in those baseless attacks, to the full extent allowed by federal and Nooksack Tribal Law.

Signed, certified mailed and personally served on March 28, 2013:



Michelle Roberts
Nooksack Tribal Councilperson
Enrolled Nooksack Tribal Member
Enrollment Number 880

Notice to Council Person Subject to Recall

As required by the Nooksack Tribe's Title 60, This notice is to inform you that you have fourteen (14) calendar days from the date of receipt to provide a rebuttal and failure to provide a rebuttal within the timeline provided will result in the Petition being circulated without your rebuttal.

If you wish to rebuttal, please serve your rebuttal to me, Julie Jefferson, at 2852 Goshen Road, Bellingham, WA 98226. You may call me at 360-303-8720

NOOKSACK TRIBAL RECALL PETITION

Petition Taken Out On: March 13, 2013 Petition To Be Returned By: _____

Received By Tribal Secretary On: _____

Signature Of Tribal Secretary: _____

Name and Membership Number of Circulating Petitioner: Julie M. Jefferson (Jimmy) #208

Tribal Council Member Subject to Recall: Michelle Rabang Roberts - Council member

Basis for Recall (must include a statement alleging specific facts and dates, of actions or inactions by the council member subject to the Petition, which would warrant the recall. General grounds for recall such as malfeasance, misfeasance, or nonfeasance or other similar terms shall not be sufficient):

The reason for this petition is to recall Michelle Roberts Rabang who is currently serving a 4-year term as council member for the Nooksack Indian Tribe Tribal Council... (cont'd)
(Additional sheets may be attached if necessary; Sheets Attached _____)

Supporting Documentation:

Rebuttal:

(Additional sheets may be attached if necessary; Sheets Attached 2)

<u>Printed Name of "Eligible Petitioner"</u>	<u>Address</u>	<u>Membership Number</u>	<u>Signature of "Eligible Petitioner"</u>	<u>Date</u>
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____

CERTIFICATION

I certify that I am an "eligible petitioner" as defined by the Nooksack Tribe's Title 60, Constitutional Petition Ordinance, Section 60.01.050. I certify that I personally witnessed the signature of each of the individuals, on the dates shown, who have signed above and that I have a good-faith belief that each signer is an "Eligible Petitioner" as defined by the Nooksack Indian Tribe's Title 60, Constitutional Petition Ordinance, Section 60.01.050. I further certify that the signatures of the individuals who have signed above were not obtained by coercion, fraud, misrepresentation or under circumstances in which it would have been physically impossible to have obtained the signature of individual.

SIGNATURE OF CERTIFYING INDIVIDUAL

STATE OF Washington
COUNTY OF Whatcom

Be it known, that on the _____ day of _____, 20____, an individual personally known to me, appeared before me and signed the above certification, and that the signer freely acknowledged that he/she voluntarily executed the same for the uses and purpose therein set forth.

NOTARY PUBLIC EXPIRATION

(Additional sheets may be attached if necessary; Sheets Attached _____)

continued from page 1 "Basis for Recall"

Over the last 20 years our Tribal Elders have told us enrolled members that Michelle Roberts (Rabana) & her family are NOT Inheal descendants of the Nooksack Indian Tribe. Now that there is supporting evidence confirming that the Rabana family are NOT Inheal descendants, Michelle Roberts (Rabana) should not be making any decisions on behalf of the Nooksack Indian Tribe and or it's Tribal members.

NOOKSACK TRIBAL RECALL PETITION

Name and Membership Number of Circulating Petitioner: Julie M. Jefferson (Jimmy) #208
Tribal Council Member Subject to Recall: Michelle (Robang) Roberts - Council member

Basis for Recall (must include a statement alleging specific facts and dates, of actions or inactions by the council member subject to the Petition, which would warrant the recall. General grounds for recall such as malfeasance, misfeasance, or nonfeasance or other similar terms shall not be sufficient):

(Additional sheets may be attached if necessary; Sheets Attached _____)

Supporting Documentation:

Rebuttal:

(Additional sheets may be attached if necessary; Sheets Attached 2)

<u>Printed Name of "Eligible Petitioner"</u>	<u>Address</u>	<u>Membership Number</u>	<u>Signature of "Eligible Petitioner"</u>	<u>Date</u>
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____
9. _____	_____	_____	_____	_____
10. _____	_____	_____	_____	_____

CERTIFICATION

I certify that I am an "eligible petitioner" as defined by the Nooksack Tribe's Title 60, Constitutional Petition Ordinance, Section 60.01.050. I certify that I personally witnessed the signature of each of the individuals, on the dates shown, who have signed above and that I have a good-faith belief that each signer is an "Eligible Petitioner" as defined by the Nooksack Indian Tribe's Title 60, Constitutional Petition Ordinance, Section 60.01.050. I further certify that the signatures of the individuals who have signed above were not obtained by coercion, fraud, misrepresentation or under circumstances in which it would have been physically impossible to have obtained the signature of individual.

SIGNATURE OF CERTIFYING INDIVIDUAL

STATE OF Washington
COUNTY OF Whatcom

Be it known, that on the _____ day of _____, 20____, an individual personally known to me, appeared before me and signed the above certification, and that the signer freely acknowledged that he/she voluntarily executed the same for the uses and purpose therein set forth.

NOTARY PUBLIC

EXPIRATION

(Additional sheets may be attached if necessary; Sheets Attached _____)

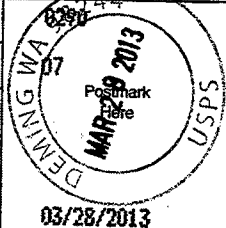
7011 1570 0002 2965 8464

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

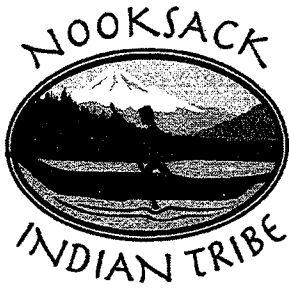
BELLINGHAM WA 98226

Postage	\$	\$0.66
Certified Fee		\$3.10
Return Receipt Fee (Endorsement Required)		\$2.55
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.31



Sent to Julie Jefferson
 Street, Apt. No.,
 or PO Box No. 2852 Basher Road
 City, State, ZIP+4 Bellingham, WA 98226

EXHIBIT D



**OFFICE OF TRIBAL ATTORNEY
NOOKSACK INDIAN TRIBE**

P.O. BOX 157 • 5047 MT. BAKER HWY • DEMING, WA 98244
PHONE: (360) 592-4158 • FAX: (360) 592-2227

April 19, 2013

Gabriel Galanda
Galanda Broadman
P.O. Box 15146
Seattle, WA 98115

Re: April 12, 2013 Letter and Representation List

Dear Mr. Galanda,

The Tribal Council is in receipt of your representation list of 271 names attached to your seven page letter. Per the March 20, 2013, Stipulation, the list represents those persons for whom you are authorized to act in the litigation before the Nooksack Tribal Court as well as the disenrollment proceedings. The Tribe agreed that your March 15, 2013 letter to Chairman Kelly regarding the Notice of Intent to Disenroll will be treated as a timely request for a meeting pursuant to Title 63 before the Tribal Council for those individuals on the list.

Prior to receiving this list, your March 15, 2013 letter stated you represented 306 persons identified on a list attached to that letter. The list you attached and mention in your most recent letter is not a list that was created or utilized by the Enrollment Department. Moreover, we will not be releasing any list of those subject to disenrollment to anyone. However, we would like to ensure accuracy in the names in the representation list of your clients that you just provided. As I am sure you are aware, many names are similar or sometimes they have different names in their files. We would like to request that your list be supplemented enrollment numbers so we may ensure the names are accurate and that when information is exchanged you receive the correct files for that member.

The April 12, 2013 letter references earlier letters (3-15, 4-1 and 4-2) and seeks answers to some questions. First, as it relates to seeking files, including dead persons files, as we have stated before (3-29-13 E-mail) that the process for information exchanges has not yet begun. Information exchange and rules for the meetings will be addressed in the Disenrollment Meeting Rules and Procedures. The suggestion to preserve the confidentiality of deceased members' files will be taken under consideration when that process occurs. Your letters' claims of the Tribe waiving any rights as it relates to the meetings are without merit and you and your clients will be expected to comply with the rules you are given in this process.

Second, the letter raises concerns regarding the scheduling of meetings and makes several demands. To be clear, meetings will be scheduled by the Council in the manner that it deems best and reasonable accommodations will be made if needed. Each person will receive a meeting. However, the Council will be the body setting the schedules and it will be expected that you or your client will be in attendance.

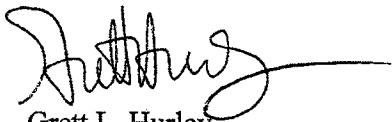
Third, security of enrollment files. Your letter makes unsupported allegations of the Tribe altering files. Thank you for your concerns but the Tribe's files are secure and are not being altered.

Finally, you have raised general concerns regarding foster children's foster parents that may or may not have received their notices. If you represent foster children, per the stipulation, your March 15, 2013 letter is a request for hearing so whether or not the correct person received the notice no longer matters. We are not able to release information to you for those whom you do not represent.

In addition to the representation list, the April 12, 2013 letter expends great effort to argue your clients views of litigation which are now before the Nooksack Tribal Court. We disagree with your views and will engage your arguments in the Court not in letters and e-mails.

At your soonest convenience please send an updated list with enrollment numbers to ensure accuracy and make sure that all of the names on your list are person's identified as being subject to a disenrollment.

Sincerely,

A handwritten signature in black ink, appearing to read "Grett L. Hurley", with a long horizontal flourish extending to the right.

Grett L. Hurley
Senior Tribal Attorney .

EXHIBIT E

GALANDA BROADMAN

An Indian Country Law Firm

April 1, 2013

Chairman Robert Kelly
Nooksack Tribal Council
c/o Grett Hurley and Rickie Armstrong
Office of Tribal Attorney
Nooksack Indian Tribe
5047 Mt. Baker Hwy
P.O. Box 157
Deming, WA 98244

Re: Notice of Intent to Disenroll from Chairman Robert Kelly to 306 Enrolled Nooksack Tribal Members, dated February 15, 2013

Dear Chairman Kelly:

We write the eight-person Nooksack Tribal Council with regard to our clients' urgent need to a selection of their deceased enrolled Nooksack member-relatives and ancestors' enrollment files for purpose of defending against their proposed disenrollment per the above-referenced Notice of Intent to Disenroll and various other Tribal Council actions since February 12, 2013. In short, we propose that those select enrollment files be released to those relatives/ancestors' next of kin by Friday, April 12, 2013, which next of kin would sign an appropriate release of claims concerning any potential liability associated with the release of those files.

Reference is made to my email to Messrs. Hurley, Armstrong, and Schlosser on March 21, 2013, whereby we first broached this issue with the Tribe on our clients' behalf. On that date, I wrote:

A few of our clients have, per Ordinance 63.01.001.B.2, sought the enrollment files for their deceased member relatives, including spouses, only to be told that the Tribe has not yet decided what to do in that regard.

To illustrate, a couple weeks ago, the spouse of a deceased wife attempted to get her enrollment file but was told as much, and further told that he will likely needed a probate or other court order releasing the file to her estate (or something to that effect). But, as in that instance there was no estate or probate, the idea of a corresponding court order seems illogical.

So, given the access right in Ordinance 63.01.001.B.2, and the need for our clients to obtain genealogical and ancestral information to defend against their impending disenrollment (notwithstanding the Tribe's burden of proof in that regard), I am hopeful

that you all can counsel the Tribe to release the enrollment files of a deceased member to the likes of a surviving spouse or biological child. I'm open to your ideas as to a specific protocol that will accommodate everyone's interests.

In response, Mr. Hurley emailed me over a week later, on March 29, 2013, explaining in pertinent part that: "in the context of persons preparing for the meeting with the Tribal Council and how information is exchanged prior to that meeting, we will discuss your concern with the Tribal Council and get back to you when we have further direction." We now write, with the following proposal, in order to prompt the Council's discussion of this issue very soon so in turn our clients can properly prepare to defend against the Tribe's impending disenrollment process.

In an attempt to minimize any administrative burden on the Tribe, and without waiver of the right to seek additional enrollment file information as discovery in any or all of the 306 proceedings might ripen, our clients propose that the Tribe release only the following seven enrolled Nooksack member-deceased relatives/ancestors' enrollment files; and further, that it do so to the particular ancestor/relative's corresponding next of kin:

1. Annie Narte – to Adalina Parker, her biological daughter
2. Elizabeth James Eugenio Rapada – to Olivia Oshiro, her eldest biological daughter
3. Mary Louise James Rapada – to Joy Belmont, her eldest biological daughter
4. Clifford James Rapada – to Mondalita Rapada, his eldest biological daughter
5. Patricia Rapada – to Ron Miguel, Sr., her widower (the above-mentioned "spouse of a deceased wife [who] attempted to get her enrollment file" but was turned away)
6. Eileen Bello – to Patrick Bello, her biological son
7. Leonard Gladstone – to Richard Gladstone, his biological son

For now, and with a view towards our April 13, 2013, disclosure of our entire roster of clients in regard to the 306 disenrollment hearings initiated by the Tribe (if any proceed to hearing), we hereby represent to you and the full Tribal Council that we represent the above-listed seven next of kin.

We propose that each of those next of kin sign an appropriate release of claims, to be negotiated between us and the Tribe's counsel, which release would resolve potential Tribal liability associated with the release of those seven enrolled Nooksack member-deceased relatives/ancestors' files. An appropriate release, and the reality that few if any other relatives would likely have standing to claim a confidentiality breach against the Tribe per Ordinance 63.01.001.B.2, should give the Tribe the comfort it needs to release those seven files under these unprecedented circumstances.

There can be no question that our clients need to receive at least those seven files in order to properly defend against the disenrollment process that commenced on February 12, 2013. At a minimum, our clients need that genealogical information to substantiate at the hearings, in the face of *the Tribe's* burden of proof, that at a minimum they are properly enrolled Nooksack members per Article II, Section 1(h) of the Constitution, which mandates Nooksack enrollment for "[a]ny persons who possess at least one-fourth (1/4) degree Indian blood and who can prove Nooksack ancestry to any degree." Of

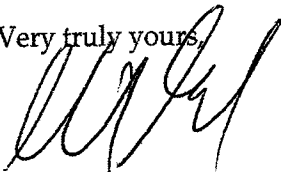
course one of the Tribe's counsel of record, Mr. Schlosser, already opined as much in an October 25, 1996, Nooksack Tribal opinion letter and enrollment record, which has already been found in at least two of our clients' enrollment files and has otherwise been a public record for at least the last ten years.

On the topic of enrollment files, in general, and consistent with our March 15, 2013, notice of appearance letter, please be reminded of the Tribe and Tribal Council's duty to ensure that all evidence, electronic or otherwise – including every relevant enrollment file – is kept inviolate to prevent spoliation of evidence. According to a client who submitted a declaration in the separate but related *Lomeli v. Kelly* Tribal Court proceeding, and other clients who have not yet provided sworn testimony to the Court, we are aware that enrollment records once contained in at least two relevant enrollment files has recently been "sanitized" by Tribal officials or staff. Any such spoliation or improper withholding of enrollment file information and evidence must not persist or happen again.

We trust you and the entire Tribal Council will find our clients' proposal – i.e., for release of only seven deceased relatives/ancestors' enrollment files to their next of kin, with the assurance provided through negotiated and signed claims releases by those next of kin – very reasonable. We look forward to hearing from the Tribal Council in response to our proposal by April 12, 2013, meaning before April 13, when we will provide the Council our roster of clients in any ensuing disenrollment hearings.

Thank you for your time and prompt consideration of our clients' proposal.

Very truly yours,



Gabriel S. Galanda

Attorney at Law

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cc: Clients
Thomas Schlosser, Esq. (via email)