

01-23-14 A08:56 IN

Betty J. Roberts

IN THE NOOKSACK TRIBAL COURT

FRANCINE ADAMS, et al.,

Plaintiffs,

v.

ROBERT KELLY, et al.,

Defendants.

NO. 2014-CI-CL- 006

DECLARATION OF NOOKSACK
TRIBAL COUNCIL WOMAN
MICHELLE JOAN ROBERTS

I, Michelle Joan Roberts, say:

1. I am an enrolled Nooksack Tribal member, a direct descendent of Annie George. I am, and I remain, an elected Nooksack Tribal Councilperson, despite Defendants illegal attempted removal of me from office yesterday. I am over eighteen years of age, I am competent to testify, and I have personal knowledge of the facts set forth herein.

2. On Thursday, January 16, 2014, the day after the Tribal Court of Appeals' ruling in the *Lomeli* case, Tribal Police Chief Rory Gilliland came to my door at home. I was not home but Chief Gilliland met my husband Rupe Roberts. Chief Gilliland had papers in his hand. Rupe told him I was not home asked him what they were. Chief Gilliland, in a good way, said, "I think we both know what they are." Rupe called me to tell me of the Police Chief's visit and I called Chief Gilliland to tell him I was out of town but that I would call him when I get back to arrange for him to come over and serve me with what I knew to be disenrollment meeting notice papers.

3. It was and still is obvious that the Defendants want to carry out the disenrollment

DECLARATION OF NOOKSACK TRIBAL COUNCIL WOMAN
MICHELLE JOAN ROBERTS - 1

Galanda Broadman PLLC
8606 35th Avenue NE, Ste. L1
Mailing: P.O. Box 15146
Seattle, WA 98115
(206) 557-7509

1 hearings for Tribal Secretary Rudy St. Germain and me, so that they could move on with the
2 disenrollment hearings of the rest of the Nooksack 306 without us participating as part of Tribal
3 Council. That is exactly what they tried to accomplish in mid-August, with the two of us
4 scheduled for the first two of over 300 hearings, before the Court of Appeals issued its stay of
5 disenrollment. They could not be more transparent.

6 4. Despite my call to Chief Gilliland on the afternoon of Thursday the 16th, the Tribal
7 Police visited my home three more times that day. The last time was around 10:00 PM. Tribal
8 Police kept coming around for the next couple days while I was still out of town. By Saturday,
9 January 18, 2014, I emailed Bob Kelly from my cell phone:

10 Bob, there has been Tribal police trying to deliver something to my house from the tribe,
11 and have been there several times at all hours of the day and night. Why do you have
12 them knocking at my door at ten at night? What is so urgent that you would have them
13 basically harassing my family. I called Rory after the first time they stopped by and told
14 him I would let him know when I was back in town to arrange for them to come over.

15 Bob Kelly never replied.

16 5. Late on the afternoon of Thursday, January 16, Bob Kelly called the first in-person
17 Special Meeting of the Tribal Council that I can recall, or at least that I was invited to, in several
18 months. He called it for Friday afternoon at about 3:40 PM. After lunch on Friday, January 17, at
19 1:21 PM, I emailed Bob:

20 Thank you for the invite Bob, I will be available by teleconference only, please provide me
21 with an access code. Also, could you tell me what is on the agenda.

22 Thank you,
23 Michelle

24 Again, Bob Kelly never replied. Tribal Council Secretary St. Germain sent a similar email to the
25 Tribal Council, indicating he was also available for the Special Meeting that Friday afternoon via
conference call. I did not see any replies to Bob Kelly from any other Councilperson. I took that
to mean that we could not get quorum for the Special Meeting that day. Still, I tried calling the

Chairman's office that Friday afternoon at 3:40 PM. There was no answer.

6. By the end of the day on Friday, Bob Kelly sent out another email, calling a Special Meeting for Saturday at 3:40 PM. I do not ever recall a Tribal Council meeting being called for a Saturday. I wrote Bob on Saturday:

With your spontaneous call of council meetings at the Chairmanship office, I am feeling uncomfortable being there with all the hate going on right now and the unprofessional on how terminations have been carried out and other actions this council has taken to hurt my family. I still have not received an agenda and I noticed that things have been approved by council that have been posted on the communications page so it is obvious that you have been conducting meetings without Rudy or me. I will be AVAILABLE for this afternoons meeting by teleconference, please provide me with an access code or I will just call into the chairmans office. I am assuming this is an open meeting.

Thank you
Michelle Roberts
Council Member

Again, Bob Kelly never replied. Again, Tribal Council Secretary St. Germain sent a similar email, indicating he was also available for the Special Meeting that Saturday afternoon via conference call, and I did not see any replies to Bob Kelly from any other Councilperson. And again, I tried calling the Chairman's office on Saturday afternoon at 3:15 PM to get the teleconference information, but again, there was no answer.

7. Later that Saturday afternoon, I emailed Bob Kelly once again:

What is the reason why the other two meetings did not take place? I called into the chairmans office yesterday because I did not get a response from you that it was canceled, also the same as the meeting that was scheduled on Friday. If the meetings are going to be canceled I would appreciate a courtesy message of the cancelation and the reason why. I have made myself available on both occasions just to be ignored. Also, please provide the agenda for this meeting.

Michelle Roberts

Once again, Bob Kelly never replied.

8. By the end of the weekend, Bob Kelly had, for the third time, tried to call an in-person Special Meeting of the Tribal Council—for Monday, January 20, 2014—the federal

1 Martin Luther King, Jr., holiday – at 10:40 AM. At that time, I once again called the Chairman’s
2 office. The person who answered the phone said the Council was already in session and that she
3 was instructed to not patch me in to the meeting. At 10:47 AM, I emailed Bob Kelly:

4 I called I to the council office at 1040 and asked to join the meeting. The message given
5 was you were in session already why would you prevent me from attending when you
6 have allowed Abby and others to walk in late. You have set the precedence of
7 teleconference this year so why are you disallowing it now.

8 Michelle Roberts

9 Yet again, Bob Kelly never replied. Bob Kelly and the other Defendants held the meeting, as
10 they have so many times before yesterday, without Rudy or me.

11 9. For at least the last several months, if not since March 2013, all Special Meetings
12 of the Tribal Council have been held telephonically—or at least those meetings that Defendants
13 have told me about. Generally, if a Councilmember is out of the office, he or she will attend
14 telephonically. Bob Kelly has chaired multiple, if not most, meetings over the phone, from his
15 home in Fairhaven.

16 10. Meanwhile yesterday morning, Facebook posts by Defendant Katherine Canete’s
17 sister confirmed that the sudden in-person Special Meetings that Bob Kelly had called since
18 Thursday—for Friday, Saturday and MLK Day—were for the purpose of causing me to be served
19 with disenrollment meeting notices. As you can see from **Exhibit A**, a true and correct copy of
20 those Facebook posts, she said:

21 **Actually I think a lot of places are open today. . . . please come and get served**
22 **your disenrollment.**

23 11. By yesterday afternoon, my Tribal cell phone service, and my @nooksack-nsn.gov
24 email account, were shut down. I quickly realized that the Defendants had tried to remove me
25 from the Tribal Council, during the meeting that I was not allowed to attend. I later learned that
they replaced Rudy and me on Council with Defendant Roy Bailey and David Williams, without

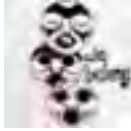
any cause whatsoever to do so.

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

Signed at Deming, Washington this 21st day of January 2014.



Michelle Joan Roberts



. [The Nooksack 306](#) January 19

. Chairman Bob Kelly has called a council meeting for tomorrow at 10:40 am January 20th. This is the first tribal council meeting in over 1 year that has not been held telephonically. All tribal members show up at 10:40 am tomorrow at Bob Kelly's office located at 4979 Mount Baker Highway Suite F, Deming, WA 98244. Since disenrollment letters have been received by some of our elder's we anticipate that this meeting is to fastrack the disenrollment of our family council members Michelle Roberts and Rudy St.Germain. Please come and stand with us at the Nooksack Tribal council office!!!! WE BELONG!18Like · · Share

[Top Comments](#)31 people like this.





The Nooksack 306 Only Bob Kelly would be open for business on MLK Day![Like](#) · [Reply](#) · 2 · 21 hours ago



Audra Levine-Fuller I'm grateful I am not there any longer as I'd not agree with what is going on...how can you be involved in keeping Nooksack tribal members from their rightful place ? You Belong ![Like](#) · [Reply](#) · 5 · January 19 at 4:57pm · Edited



Michelle Roberts Tribal police have been instructed to go to my house all hours if the day and night .. As late as 10p. I have asked Bob K to stop harassing my family as I would let them Know when I was back in town, but he continues to have them around. He will not tell me what is so important that needs to be delivered in person. No response to any message ... No communication once again.[Like](#) · [Reply](#) · 3 · January 19 at 2:30pm



Josephine Pebria I am going to pray for Bob Kelly, My prayer is that he would have a change of heart toward his own people and stop disenrollment so everyone can see a "TRUE LEADER"that Unites the tribe and does not cause Division!! # In support of "The Nooksack 306"[Like](#) · [Reply](#) · 2 · January 19 at 2:11pm



Michelle Roberts Come see your council in action and what all their time.... and YOUR money has been spent on. This is the time to stand together.[Like](#) · [Reply](#) · 2 · January 19 at 8:30pm



Josephine Pebria Katrice Romero,,
What are you conveying?
Disenrollment?,Serve them?

If there is one thing I've learned while being on earth for over half a century, It's that One Will Always Reap What They Sow[Like](#) · [Reply](#) · 1 · 20 hours ago · Edited



Katrice Romero Actually I think a lot of places are open today.[Like](#) · [Reply](#) · 1 · 21 hours ago



Michelle Roberts Martin Luther King day, he had a dream....[Like](#) · [Reply](#) · 1 · Yesterday at 8:06am



Katrice Romero Yes, please come & get served your disenrollment letters.[Like](#) · [Reply](#) · 22 hours ago



Shirley Hart Hell yea you belong impeach bob Kelly[Like](#) · [Reply](#) · 1 · January 19 at 10:44pm



Yosemite Indians <http://newamericamedia.org/.../paternalism->



at-its-worst...

'Paternalism at its Worst' -- Court Ruling Threatens Tribal Sovereignty – New America Media newamericamedia.org[Resize](#)
[Print](#) [Share](#) and Email Indian Country Today Media Network , News Report, Y...[See More](#)[Like](#) · [Reply](#) · January 19 at 2:16pm
[Write a comment...](#)