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5 IN THE TRIBAL COURT
6 OF THE SAUK-SUIATTLE INDIAN TRIBE

7 SAUK-SUIATTLE INDIAN TRIBE)

8 Plaintiff/Petitioner,)

No. SAU-civ-07/26-002

9 v.)

10 ROBERT FERGUSON, Governor,)
11 State of Washington; ANGELA)
12 RAMIREZ, Secretary, State of)
13 Washington Department of Social)
14 and Health Services; and JOHN and)
15 JANE DOE, employees of the State)
16 Of Washington Department of Social)
17 And Health Services,)

**AFFIDAVIT IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

18 Respondents.)
19)
20)

21 STATE OF WASHINGTON)

22) ss.

23 County of Skagit)
24)
25)

26 THE UNDERSIGNED declares under penalty of perjury as follows:

27 I have personal knowledge of the following information and am competent to verify the
28 matter attested to herein.

29 Attached hereto are true copies of the following documents:

1. Letter dated July 3, 2025 from Sauk-Suiattle Indian Tribe Chairman Nino Maltos II to Washington State Department of Social & Health Services Acting Director Bea Rector.

- 1 2. Letter dated July 16, 2025 from Senior Assistant Attorney General Dillon Spiess to
2 Washington State Department of Social & Health Services Acting Director Bea
3 Rector.
4 3. Letter dated August 30, 2025 from Senior Assistant Attorney General Dillon Spiess
5 to Washington State Department of Social & Health Services Acting Director Bea
6 Rector.

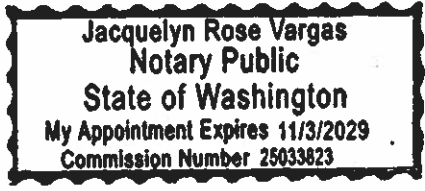
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8 DATED this 13 day of July, 2026.

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Jack W. Fiander

11 SUBSCRIBED AND SWORN to before me on the 13th day of July, 2026.

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14 NOTARY PUBLIC for the State
15 of Washington, residing at
16 Darrington.

17 My Commission Expires 11/3/2029
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SAUK-SUIATTLE INDIAN TRIBE

Tribal Council

**5318 CHIEF BROWN LANE
DARRINGTON, WA 98241**

NINO MALTOS II
CHAIRMAN

NINO MALTOS
VICE-CHAIRMAN

NATALIE MISANES
SECRETARY

July 3, 2025

Sent Via: E-Mail

Bea Rector, Acting Secretary
Department of Social and Health Services
Washington State
P.O. Box 47866
Olympia, WA 98504
bea-alise.rector@dshs.wa.gov

Tim Reynon, Executive Director
Governor's Office of Indian Affairs
Capital Building
1110 Capitol Way S, Suite 225
Olympia, WA 98501
tim.reynon@goia.wa.gov

Re: Tribal Property & Access to Social Welfare Programs

Honorable State Officials:

The Sauk-Suiattle Indian Tribe writes because our members are being denied access to federally assisted social welfare programs administered by the Department of Social and Health Services (Department).¹ Specifically, the Department does not consider tribal property, distributed in accordance with the religious beliefs of the Tribe, to be protected by federal law. See e.g., WAC §388-450-0040. However, this interpretation violates the Free Exercise Clause, is inconsistent with the Constitution, and is *non sequitur* at best.²

A treaty is a "contract between two sovereign Nations." Treaty of Point Elliott, Jan. 22, 1855, 12 Stat. 927; see *Washington v. Washington State Commercial Passenger Fishing Vessel Assn.*, 443 U. S. 658, 676 (1979); *United States v. Washington*, 384 F. Supp. 312, 333 (W.D. Wash. 1974). It is self-executing (i.e. it does not require a federal law to be protected) because

¹ The members of the Tribe disproportionately suffer from the:

The lowest life expectancy of any minority group (on average our People live to be around 66 years old, 9 years less than the average American); the highest poverty rates of any minority group (73% of our members live below the poverty line, compared to 9.7% of Washingtonians); the lowest median income (on average our members make \$16,775 a year, compared to \$88,241); and lack educational opportunities (47% of our members have not graduated high school, compared to 15.2% of Washington state students).

Nevertheless, despite the above-listed statistics, the Department continues to deny our members access to social welfare services.

² On June 30, 2025, Dillon Spiess—our Senior Assistant Attorney General—met with some of your staff to discuss these issues. Initially, the Tribe thought we could work together. However, following the meeting, the Tribe was told that the Department's "[g]oal was not prescribe solutions" to the adverse—and quite frankly, discriminatory—practices of your Department. See E-Mail to D. Spiess, Senior Assistant Attorney General (June 30, 2025), from F. Cogger, Tribal Relations Coordinator. Additionally, please note, that the Department's response failed to address any of the issues raised, and appears to have been generated using AI.

it is already protected by the Constitution of the United States. Art. VI, cl. 2. (the "Constitution...of the United States...and all Treaties made...under the Authority of the United States, shall be the supreme Law of the Land"). In other words, a treaty *right*—which includes the right to access federal assistance programs³—cannot be "qualified" (i.e. in some way regulated, limited, or modified) by the state because it is a *right* which is protected by the Constitution itself; and, thus: "[T]he supreme Law of the Land." *Id.* After all, it is well established that "treaties are binding on the state," *Baldwin v. Frank*, 120 U.S. 678, 683 (1887), and apply to individual members of the Tribe as if they were named on the Treaty itself. *United States v. Winans*, 198 U.S. 371 (1905).⁴

Ultimately, the Department is required to provide social welfare services, regardless of a person's religious beliefs.⁵ Accordingly, here are my recommendations: Follow the law, do the right thing, and exempt tribal property—or—in the alternative, amend the administrative code to exempt "any and all tribal property provided by the Sauk-Suiattle Indian Tribe to its members." If you have any questions, please feel free to contact our Senior Assistant Attorney General, Dillon Spiess. He can be reached at (360) 436-0131 (ext. 236) or at dspiess@sauk-suiattle.com.

Sincerely,



Nino Maltos II, Chairman
Sauk-Suiattle Indian Tribe

cc: Tribal Council

ecc: Shane Esquibel, Chief of Staff
Governor's Office
shane.esquibel@gov.wa.gov

Sahar Fathi, Policy Director
Governor's Office
Sahar.Fathi@gov.wa.gov

³ Under the terms of the Treaty, the United States committed to provide for the general welfare of the Tribe. See Treaty of Point Elliott, Jan. 22, 1855, 12 Stat. 927

⁴ This should come as no surprise. Washington State Enabling Act of Feb. 22, 1889, 25 U.S.C. Stat. 676. Section 4 (1) of the Act provides that "no inhabitant of the state shall ever be molested in person or property on account of his or her mode of religious worship." Section 4 (2) of that Act, then goes onto to say that "the state shall forever disclaim all rights and title to all lands...owned or held [(i.e. tribal property)] by any Indian or Indian tribes." Both of which were expressly incorporated into the state's Constitution. See also, *Culliton v. Chase*, 174 Wash. 363, 25 P.2d 81 (1933) (income is property).

⁵ Under the Department's own anti-discrimination policy, a person cannot be denied "services or benefits" based on their religion. Washington State Department Discrimination Policy, <https://www.dshs.wa.gov/office-of-the-secretary/discrimination-policy>.

**Tim Collins, Senior Director
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**Sher Stretcher, Tribal Relations Manager
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**Brice Montgomery, Director
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**Josie Mendoza, Chief of Communication & Community Relations
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Attachment 2

2. Letter dated July 16, 2025 from Senior Assistant Attorney General Dillon Spiess to Washington State Department of Social & Health Services Acting Director Bea Rector.



SAUK-SUIATTLE INDIAN TRIBE

Department of Justice

5318 CHIEF BROWN LANE
DARRINGTON, WA 98241

JACK W. FIANDER
ATTORNEY GENERAL

DILLON L. SPIESS
SENIOR ASSISTANT ATTORNEY GENERAL

July 16, 2025

Sent Via: E-Mail

Bea Rector, Acting Secretary
Department of Social and Health Services
Washington State
P.O. Box 47866
Olympia, WA 98504
bea-alise.rector@dshs.wa.gov

Re: Tribal Property & Access to Social Welfare Programs

Dear Acting Secretary Rector:

I am writing in response to your July 8, 2025, e-mail. Although I appreciate it, the Department's practice of denying my client's access to social welfare services, based on their religious beliefs, is a blatant violation of the state's constitution. With that said, I understand, as a non-tribal person, that this area of law, and its concepts, can be confusing, and may even seem foreign. But ignorance is not an excuse for inaction. Accordingly, I write to share, in the hopes that you will end these discriminatory practices.

Since Time and Immemorial, the Sakhuméhu People, now organized as the Sauk-Suiattle Indian Tribe, relied on the land, and each other, for survival. According to the beliefs of the Tribe, resources (today more commonly referred to as "tribal property") are not individually owned, but are shared. As such, the 311 members of the Tribe, who live on a small 19-acre parcel land, in a severely depressed area of the state, routinely share resources—not for the benefit of an individual—but for the benefit of the Tribe as a whole.¹ In essence, think of it this way: Sakhuméhu society emphasizes a life of goodness through sharing; a life that values community welfare above individual interests; and a life separate from, rather integration to.

The Sauk-Suiattle Indian Tribe is amongst the most traditional tribes in the Pacific Northwest. It derives its governmental authority from the indigenous Sakhuméhu People, whose governance, traditions, and interrelationships are inseparable from religion. As a result, there is no separation between church and state. Thus, the state's current practice not only burdens my client's religion, but also interferes with the Tribe's internal relationships, and threatens its very existence.

¹ This is underlying premise of Potlatch. Potlatch is a religious practice of the Tribe where property is shared among tribal members to prevent wealth inequality.

In any event, regardless of the legalese, we are talking about people here. We are talking about a group of people who have been—and continue to be marginalized by discriminatory practices such as this. So, again, as a fellow human being—and the Director of the Department—I urge you to stop these outdated practices and promulgate a regulation which exempts: *“any and all tribal property provided by the Sauk-Suiattle Indian Tribe to its members.”* In the end, the time has come to stand up for what is right and do the right thing. If you have any questions, or need any further information, please feel free to contact me at (360) 436-0131 (ext. 236) or at dspiess@sauk-suiattle.com.

Sincerely,

S/Dillon L. Spiess

Dillon Spiess, Senior Assistant Attorney General
Sauk-Suiattle Indian Tribe

Attachment 3

3. Letter dated August 30, 2025 from Senior Assistant Attorney General Dillon Spiess to Washington State Department of Social & Health Services Acting Director Bea Rector.



SAUK-SUIATTLE INDIAN TRIBE
Department of Justice
5318 CHIEF BROWN LANE
DARRINGTON, WA 98241

JACK W. FIANDER
ATTORNEY GENERAL

DILLON L. SPIESS
SENIOR ASSISTANT ATTORNEY GENERAL

August 30, 2025

Sent Via: E-Mail

Bea Rector, Acting Secretary
Department of Social and Health Services
Washington State
P.O. Box 47866
Olympia, WA 98504
bea-alise.rector@dshs.wa.gov

Re: Tribal Property & Access to Social Welfare Programs

Dear Acting Secretary Rector:

I am writing in response to your August 12, 2025, letter. As you know, I have met with your Department twice—once on June 4th—and again on June 30th. On both occasions, I explained my client's position and answered your staff's questions.

Since then, I have written two more letters outlining my client's position. To date, however, I have yet to receive the Department's official position. And although I did receive your request to talk over the phone, I hope you understand that at this point I would prefer that we communicated in writing.

With that said, I want to reiterate that the Department's practice of reducing and/or denying my client's access to social welfare services based on property received in accordance with the religious beliefs of the Tribe is a violation of both the federal and state constitutions. Not only does it substantially burden my client's religious practices, but it also (among other things) interferes with the Tribe's internal affairs and deprives my client of their treaty-protected property.¹

Ultimately, my client would prefer to reach an amicable resolution. So again, respectfully, please either (1) provide my client with the Department's official position or (2) promulgate a regulation that "*exempts any and all tribal property provided by the Sauk-Suiattle Indian Tribe to its members.*" Please feel free to contact me at dspiess@sauk-suiattle.com.

¹ Tribal property is protected by federal law. See, 43 Stat. 253.

Sincerely,

S/Dillon L. Spiess

Dillon Spiess, Senior Assistant Attorney General
Sauk-Suiattle Indian Tribe

cc: Nino Maltos II, Chairman
Sauk-Suiattle Indian Tribe

Tribal Council

ecc: Shane Esquibel, Chief of Staff
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