

GALANDA BROADMAN

An Indian Country Law Firm

October 14, 2016

VIA HAND DELIVERY & EMAIL

“Chief Justice” Robert Kelly
“Nooksack Supreme Court”
c/o BLEathers@nooksack-nsn.gov

“Judge” Raymond Dodge
Nooksack Tribal Court
c/o BLEathers@nooksack-nsn.gov

Rickie Armstrong
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Response Re: Nooksack Supreme Court

Mr. Kelly, Mr. Dodge, Mr. Armstrong and Ms. Martin:

We acknowledge receipt of an “Order” from the pretend new Nooksack Supreme Court comprised in part by various holdover Nooksack Tribal Councilpersons, which appears to consider us “Respondents” for purpose of filing a response regarding the purported Nooksack Tribe’s petition to vacate fourteen Orders of the Nooksack Tribal Court of Appeals. This letter constitutes our response.

In general, the Nooksack Supreme Court is fake. So are the “Justices” who comprise it. So are the laws that supposedly established it. So is every single decision that the purported Nooksack Tribal Council has made since March 19, 2016, around when four Tribal Council seats expired under the Nooksack Constitution. No legitimate government will recognize any decision by you or yours as lawful. Nor will any real government recognize any ruling of the pretend Nooksack Supreme Court.

So our specific response is this: We do not recognize your authority.

That response is informed by the following illegal and unethical actions taken by you and other Tribal politicians, judicial officers, and lawyers since at least December 2015:

- In December 2015, the former Tribal Council refused to commence the election for four Tribal Council seats; the Constitution required the election to happen in March 2016.
- By February 12, 2016, former Nooksack Tribal Court Chief Judge Susan Alexander issued a ruling, describing “the current situation regarding the 2016 Tribal Council elections is serious and urgent.”
- On February 24, 2016, the former Nooksack Tribal Council, counseled by then Senior Tribal Attorney Raymond Dodge, apparently took some form of emergency action to pass the Nooksack Advocates Code of Conduct and in turn immediately “bar Mr. Galanda and other attorneys at Galanda Broadman from practicing in the Nooksack Tribal Court and from engaging in business on Nooksack tribal lands.” We still have not seen Resolution #16-28, the legislation that barred us.
- On March 19, 2016, the Nooksack Tribal Council refused to convene an election for four Council seats. They expired on or around that date. The four individuals who have refused to vacate those seats have no lawful authority and as a result, the Tribal Council cannot obtain a five-person

quorum as required by the Nooksack Constitution and Bylaws to transact any business or make any decision on behalf of the Tribe. The Council possesses no lawful authority today.

- On March 21, 2016, Former Chief Judge Alexander issued an Order Re Resolution #16-28 and Due Process, (a) noting that the “newly minted Nooksack Advocates Code of Conduct, suddenly adopted by the Tribal Council without notice to or opportunity for input by the Tribal Court was borrowed nearly whole from the Tohono O’odham [Nation]” by Mr. Dodge and fellow Nooksack Tribal Attorney Rickie Armstrong; (b) authorizing us to redress our property rights on a *pro se* basis; and (c) ordering Court Clerk to produce the Resolutions passed on February 24, 2016.
- On March 24, 2016, we filed a *pro se* Complaint, *Galanda v. Bernard*, for deprivation of property rights and Motion for Injunctive Relief and Declaratory Judgment, as authorized by the Court.
- On March 25, 2016, the Washington State Bar Association opened a disciplinary investigation into Mr. Dodge and Mr. Armstrong. We understand that disciplinary investigation remains open. Schwabe Williamson & Wyatt is defending Mr. Dodge and Mr. Armstrong from investigation and receiving Nooksack Tribal funds for its legal defense fees, despite the firm’s lack of contract approval by the U.S. Interior Department Secretary as still required by the Nooksack Constitution
- On March 28, 2016, former Chief Judge Alexander was fired by the former Tribal Council “as [she] was preparing a final draft of [her] ruling” to compel the Tribal Council election.
- On April 2, 2016, after the Tribal Court Clerk’s office “sought the advice of legal counsel regarding whether a lawyer who is acting *pro se* is ‘practicing in tribal court,’ [sic] prohibited by Resolution #16-28,” the Clerk, under cover of an unsigned letter prepared by Mr. Dodge or Mr. Armstrong, rejected our *pro se* lawsuit. The Court Clerk subsequently rejected every single filing of ours, as well as every single filing of our 331 Nooksack member clients.
- On May 25, 2016, the Nooksack Court of Appeals ordered the Tribal Court Clerk to accept our *pro se* Complaint.
- On May 27, 2016, the Nooksack Appeals Court admonished the Clerk for “willfully ignoring [its] orders by refusing to accept the pleadings in this case,” and Mr. Dodge and Mr. Armstrong for providing the Clerk legal advice in violation of Washington Rule of Professional Conduct 8.4(d).
- On June 13, 2016, Mr. Dodge returned to Nooksack as the purported Chief Judge.
- On June 16, 2016, the Nooksack Appeals Court held the Court Clerk in contempt, observing that she appeared to have “consulted with the attorney for the defendants [Mr. Dodge and Mr. Armstrong] in a potential lawsuit about whether plaintiffs should be allowed to file their complaint against the attorney’s clients,” and concluding: “This perversion of justice should be obvious that this represents should be patently obvious even to those untrained in the law.”
- On June 28, 2016, the Nooksack Appeals Court again held the Clerk in contempt, and ordered the Tribal Police Chief to arrest her should she not purge her contempt by filing our *pro se* Complaint.
- **On July 25, 2016, the Nooksack Appeals Court proclaimed that the Nooksack Tribe “ceases to operate under the rule of law and as a result it forfeits . . . any right to demand . . . that other sovereign governments deal with it government to government, and . . . its legal authority to govern the Tribe.”**
- On August 15, 2016, the Nooksack Appeals Court held the Police Chief in contempt of court for failure to comply with the Court’s June 28, 2016 Order and fined him \$1,000 per day for having not arrested the Clerk as previously ordered, **fearing “that at Nooksack the rule of law is dead.”**
- On September 13, 2016, six law school professors of Indian law filed an amicus brief with the Nooksack Appeals Court to express “grave concerns regarding patent violations of ICRA, harm to the

integrity of all tribal courts, and, most importantly, the strategic deprivation of counsel and barred access to justice for Nooksack tribal citizens.” The Clerk also rejected the professors’ brief.

- On September 21, 2016, the Nooksack Appeals Court issued entered its Order and Judgment Awarding Costs against the Police Chief, in the amount of \$2,790.15, and reinstated us as attorneys licensed to practice before the Nooksack Judiciary.
- On September 30, 2016, the purported Nooksack Tribe filed a Tribal Court breach of contract lawsuit against the Nooksack Appeals Court and the Northwest Intertribal Court System (NICS), which was prepared by Schwabe Williamson & Wyatt, again, despite the firm’s lack of contract approval by the U.S. Interior Department Secretary.
- Also on September 30, 2016, the purported Nooksack Tribe formed pretended to form a new Nooksack Supreme Court comprised of five members of the purported Tribal Council and filed an expedited petition to vacate fourteen Orders of the Nooksack Tribal Court of Appeals, also with the unlawful assistance of Schwabe Williamson & Wyatt.
- On October 7, 2016, Milton Rowland, purported Nooksack Tribal Court Judge Pro Tempore, issued an injunction against NICS, apparently not allowing NICS’s lawyer to appear for want of a Nooksack business license.
- Also on October 7, 2016, the pretend Nooksack Supreme Court Justices granted that the petition they filed on behalf of the Tribe as purported Tribal Councilpersons for expedited review.
- Finally on October 7, 2016, the purported Tribal Council passed Resolution #16-149, which “revokes any privilege Mr. Galanda, [sic] has or may have had, to practice law before the Nooksack Tribal Court(s) or within Nooksack Tribal lands,” in derogation of the Nooksack Appeals Court’s September 21, 2016 Order reinstating him and us as attorneys licensed to practice at Nooksack.

It is plain that the only legitimate arm of Nooksack government since about March 19, 2016 is, or was, the Nooksack Appeals Court. Each of you and everyone else occupying Nooksack offices or receiving ill-gotten financial gains are illegitimate. As such, again, we do not acknowledge your authority.

We conclude by quoting to each of you the words of those esteemed Indian law professor *amici*:

[T]he ripple effect of [your] lawlessness will reach far beyond the boundaries of Nooksack. [Your] actions risk confirming the views of non-Indian judges of tribal courts as “rat’s nest[s].” . . . The suspicions and denigration of tribal courts as second-class forums will gain credence among those who are hostile to tribal sovereignty. But that loss of credibility is not simply shameful and embarrassing for tribal sovereigns and we attorneys and judges who serve them. It wounds *every* tribal court (emphasis in original).

Thank you for your consideration of this response letter. We will continue to advance our 331 Nooksack clients’ interests in the Nooksack Tribal Court and elsewhere.

Very truly yours,



Gabriel S. Galanda
Attorney at Law
Noxwtsi7gen



Anthony S. Broadman
Attorney at Law



Ryan D. Dreveskracht
Attorney at Law

cc: Northwest Intertribal Court System