



## Skagit County Board of Commissioners

Ron Wesen, First District  
Kenneth A. Dahlstedt, Second District  
Lisa Janicki, Third District

May 18, 2017

The Honorable Ryan Zinke  
Secretary of the Interior  
1849 C Street NW  
Washington D.C. 20240

**RE: Swinomish Indian Tribal Community – Secretarial Election  
and Constitutional Amendments – Jurisdictional Claims**

Secretary Zinke,

We write to express grave concerns with the Swinomish Indian Tribal Community's ("SITC") plan to amend its constitution pursuant to the Indian Reorganization Act of 1934 ("IRA"). A Secretarial election on the proposed SITC amendments is set for May 23, 2017, which, pursuant to federal law, must be approved or rejected by the Department of the Interior within 45 days.

Located approximately 90 miles north of Seattle, Skagit County is a rural county of approximately 116,000 citizens, with agriculture our predominant industry.

There are four federally-recognized tribes within our jurisdictional boundaries, of which SITC is the second largest. We respect tribal sovereignty, and have a warm and cooperative relationship with the other three tribes' leadership, facilitating their business objectives and working cooperatively on many habitat restoration and other projects.

By contrast, the relationship with SITC over the past two decades has been one of constant litigation and pernicious conflict over land use, agriculture, water rights, taxation and many other issues, costing us many millions of dollars and deeply damaging relations between tribal and non-tribal communities. The unifying theme has been SITC's expressed intention to extend political control and authority over the off-reservation land base, outside SITC's existing 7,000-acre reservation.

While much of SITC's proposed constitutional changes are innocuous and unobjectionable, SITC appears to be seeking direct jurisdiction over any area with a nexus to SITC's hunting, fishing and gathering rights reserved under the 1855 Treaty of Point Elliott, as well as any area over which SITC "claims an interest." This would appear to include much of Skagit County. *See*, proposed SITC constitutional changes, Article 1 Sections 2 and 3 (copy attached).

We are certain that this SITC constitutional change, if approved by your office, will spark many more decades of conflict in our community as SITC attempts to exercise off-reservation jurisdictional authority, in the courts and on the ground.

We freely and openly consult with tribal governments whenever asked, and have repeatedly confirmed our support for tribes' near-absolute sovereignty within reservation boundaries – a position considerably more supportive of tribal sovereignty than most other jurisdictions around the country.

However, one of four tribal governments representing less than half a percent of our County's citizens being afforded off-reservation jurisdiction amounts to minority rule over a majority population. This is not compatible with a functioning democracy.

We have repeatedly asked both SITC and the Regional BIA Office (Portland) to clarify the intent and aims of SITC's off-reservation jurisdictional claim, but have received no meaningful response from either SITC or BIA. What little information we have been able to glean has been as a result of repeated Freedom of Information Act requests to the BIA Portland Office.<sup>1</sup>

Besides the lack of transparency, our community's concerns have been exacerbated by SITC's statements in the national media relating to this issue. For example, during the recent protests over the Dakota Access Pipeline, SITC Chairman and National Congress of American Indians President Brian Cladoosby was quoted as follows:

*Gone is the 19th-century attempt to defeat Europeans or the 20th-century attempt to assimilate. The strategy now is to marshal attorneys, money, land, and political clout to outlast them. "I call us the weebee people," said Brian Cladoosby, president of the National Congress of American Indians. "We be here when they came, we be here when they gone."<sup>2</sup>*

We do not view this as a workable philosophy to guide our community's long-range future, but rather believe in coexistence under a system of shared laws and values.

Accordingly, we respectfully request that you decline to approve the proposed SITC constitutional amendment, at least until SITC's off-reservation claims are fully clarified.

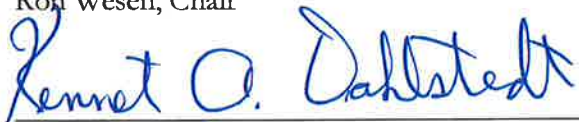
Please do not hesitate to contact us with any questions.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**



Ron Wesen, Chair



Kenneth A. Dahlstedt, Commissioner



Lisa Janicki, Commissioner

<sup>1</sup> We have posted many of the relevant communications on our website, at [www.skagitcounty.net/Departments/Home/press/SITCexpansion.htm](http://www.skagitcounty.net/Departments/Home/press/SITCexpansion.htm)

<sup>2</sup> "What's Happening at Standing Rock," *Outside* magazine, September 2, 2016.

cc: Jennifer Washington (Chair, Upper Skagit Indian Tribe)  
Norma Joseph (Chair, Sauk-Suiattle Indian Tribe)  
Tom Wooten (Chair, Samish Indian Nation)  
M. Brian Cladoosby (Chair, Swinomish Indian Tribal Community)  
Governor Jay Inslee  
Congressman Cathy-McMorris Rodgers  
Congressman Dan Newhouse  
Congressman Rick Larsen  
Senator Patty Murray  
Senator Maria Cantwell  
Senator Kirk Pearson  
Representative Dan Kristiansen  
Representative John Koster  
Mayor Laurie Gere, City of Anacortes  
The Honorable Richard Weyrich  
Allen Rozema, Skagitians to Preserve Farmland  
Brandon Roozen, Western Washington Agricultural Association



**STAND  
UP**

**AMENDMENT  
EXPLANATION  
GUIDE**

**- FOR SOVEREIGNTY -**



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## A SIDE BY SIDE COMPARISON

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CURRENT CONSTITUTION

PROPOSED AMENDMENTS

*-AND-*

AMENDMENT EXPLANATION

SECRETARIAL ELECTION TO BE HELD  
MAY 23, 2017

## Explanation of This Document

This document is Swinomish's Side-By-Side Comparison of the **Current Constitutional Language**, **Proposed Language**, and **Changes Explained**. The key component of this document is the **Changes Explained** portion which is located in the GREY AREAS located on the right side of each page. This guide is a replica of the booklet that you received from the Secretarial Election Board, EXCEPT it adds explanations for each of the amendments proposed by the Senate that you will vote on at the Secretarial Election.

If you look at the Side-By-Side Comparison booklet the Secretarial Election Board mailed you and compare it to this one, you will notice there are no greyed out areas in theirs but everything else is identical to ours. This is so you can utilize both, using the Swinomish guide to view **Changes Explained** located in the grey areas to understand the proposed amendment changes.

It is the goal of the Constitutional Reform Committee to help you, the Swinomish Tribal member, understand the Proposed Amendments. Please join us at an Informational Meeting (April 5 at 6PM, April 13 at Noon, May 3 at 6PM in Social Services) with this document in hand and your questions. The Constitutional Reform Committee will be there to present, discuss, and answer your questions. The website [standup.vote](http://standup.vote) also may be of assistance.



Red color shows the current language that is to be deleted.

Blue color shows the proposed amendments.

**Amendment B**  
**(Amends Title and Article I, Sections 1 and 2 and Adds Section 3)**

**Amendment B**  
**(Amends Title and Article I, Sections 1 and 2 and Adds Section 3)**

**Changes Explained**

**Current Constitutional Language**

**ARTICLE I-NAME AND TERRITORY**

**SECTION 1.** The name of this organized body shall be the Swinomish Indian Tribal Community, hereinafter called the community.

**SEC. 2.** The jurisdiction of the Swinomish Indians shall include all the territory within the original confines of the Swinomish Reservation boundaries, as set forth by Executive order of September 9, 1873, in pursuance of article III of the Treaty of Point Elliott, January 22, 1855 (12 Stat, 928), and shall extend to such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

*(New Section)*

**Proposed Constitutional Language**

**ARTICLE I-NAME, TERRITORY, AND JURISDICTION**

**SECTION 1. Name.** The name of this organized body shall be the Swinomish Indian Tribal Community, hereinafter called the community or Tribe.

**SEC. 2. Territory.** The territory of the Swinomish Indian Tribal Community shall include, to the fullest extent possible consistent with applicable federal law and the sovereign powers of the Tribe, all lands, water, property, airspace, surface rights, subsurface rights, and other natural resources

- (a) in which the Tribe now or in the future has any interest, or
- (b) which are owned now or in the future by the United States for the exclusive or non-exclusive benefit of the Tribe or for individual tribal members, or
- (c) which are located within the Swinomish Reservation, notwithstanding the issuance of any existing or future patent or right-of-way.

**SEC. 3. Jurisdiction.** To the fullest extent possible consistent with applicable federal law and the sovereign powers of the Tribe, the Swinomish Indian Tribal Community shall have jurisdiction over all persons, subjects, property and activities occurring within

- (a) its territory as defined by this Article; and
- (b) the Tribe's usual and accustomed fishing grounds and stations and all open and unclaimed lands, as guaranteed by treaty for fishing, hunting and gathering, and on such other lands and waters as is necessary for access to such fishing, hunting and gathering areas.

Further, jurisdiction shall extend to all persons, subjects, property and activities that may hereafter be included within the jurisdiction of the Tribe.

**Category: Our Territory and Jurisdiction**

1. Describes and confirms the Tribe's territory as including not only the land, but also water, airspace, surface and subsurface rights as well as natural resources; and
2. Updates and strengthens our current Constitution's description of our Territory to include off-Reservation lands owned by the Tribe or the U.S. in trust for the Tribe.

**Category: Our Territory and Jurisdiction**

By clarifying and strengthening our jurisdiction (authority) over our territory broadly, we

1. protect our territory and natural resources to the fullest extent allowed by applicable federal law. Examples of harmful activities: solid waste dumping on our lands; and harvesting on our tidelands.
2. can better manage our treaty resources for all; and
3. better enforce laws protecting treaty resources.
4. ensure that our Constitution is a living, flexible document that is able to change as federal law changes.