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Swinomish Indian Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476
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FOR IMMEDIATE PRESS RELEASE
BY THE SWINOMISH INDIAN TRIBAL COMMUNITY
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The Swinomish Indian Tribal Community recently learned of a letter sent by the Skagit County Board of Commissioners to Fidalgo Island property owners. “I only wish that the County Commissioners had contacted us before they sent their letter out to our neighbors,” said Swinomish Chairman Brian Cladoosby. “A lot of misunderstanding and concern could have been avoided.”

The County’s letter draws conclusions based on outdated information, as well as a limited understanding of the Tribe’s constitutional amendment process. In particular, the County’s letter objects to an old draft amendment to the Swinomish Constitution - *a draft that was already revised by Swinomish weeks before the County sent out its letter*. The draft amendment as revised makes clearer that, “consistent with applicable federal law” the Tribe’s territory includes the “Swinomish Reservation,” as well as lands owned by the Tribe or by the U.S. for the Tribe. That is as it should be.

Unfortunately, the County’s letter seems designed to cause the maximum alarm to our neighbors. Our Constitutional amendment is not about “annexation”, as the County’s letter states. Neither would the amendments “effectively deport these citizens against their will,” as the County claims.

It’s true that Swinomish is proposing some amendments to its Constitution, but our purpose is not what Skagit County implies. Instead our goal is simply to bring the Swinomish Constitution into the twenty-first century. The Constitution was adopted in 1936, and was last amended in 1985.

The 1936 Constitution was written in an era when the United States governed Indian Country with a heavy hand of paternalism. As a result, the Constitution imposes Federal bureaucracy on the Tribe and is out of step with today’s Federal policy of self-determination. It is also inconsistent with the Tribe’s sovereign status. So, amendments are being proposed to remove these outmoded provisions. In this effort, the Department of the Interior fully supports the Tribe.

At the same time, the amendment process offered the Tribe an opportunity to modernize the Constitution and correct inaccuracies that have been in the Constitution since it was first adopted in

1936. Holding a constitutional amendment election is a significant undertaking and will likely not be repeated for some time.

Federal law sets out a process for amendment of Tribal constitutions. This process involves consultation between the Tribe and its trustee, the United States, with adoption of proposed amendments decided by Tribal members eligible to vote in an election conducted by the Secretary of the Interior. The process does not involve state or local government, or other tribes.

It is certainly true that the Tribe continues to believe that the boundaries of the Reservation were established by the Treaty of Point Elliott – a line that runs from Fidalgo Bay south to Similk Bay through what was formerly the Similk Golf Course - and that President Grant’s unilateral 1873 Executive Order did not change the Reservation boundary, exclude March Point, or diminish the Reservation. In fact, just earlier this year the U.S. Supreme Court ruled once again – unanimously – that only Congress can diminish a reservation. Congress has never diminished the Swinomish Reservation.

The Reservation shown on the map which the County mailed out with its letters is not an “expansion” or an “annexation” – it is simply the Swinomish Reservation established by the Treaty of Point Elliott in 1855. As Chairman Cladoosby has said, “A deal is a deal is a deal.”

In recent decades, the Tribe has reacquired property on March Point within the original Treaty Reservation – a golf course, a Shell gas station and the Bayside Fitness Center. The Tribe’s acquisitions were purchases made from willing sellers or public sales, and had nothing to do with the amendment of the Tribe’s Constitution.

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