

RESOLUTION NO. 85- 9

of the

SQUAXIN ISLAND TRIBAL COUNCIL

- WHEREAS, the Squaxin Island Tribal Council is the governing body of the Squaxin Island Indian Tribe by authority of the Tribe's Constitution and Bylaws, as adopted by the qualified voters of the Tribe and approved by the Secretary of the Interior on July 8, 1965; and
- WHEREAS, pursuant to its power to use and manage tribal property, the Tribal Council has determined when and to what extent liquor transactions shall be permitted on the Reservation by adoption of the Squaxin Island liquor ordinance, which provides for tribal liquor sales on the Reservation as a tribal business; and
- WHEREAS, the Squaxin Island liquor ordinance was adopted by the Tribal Council by Resolution No. 79-40 (1979), and amended by Resolution on January 27, 1981, and was approved by the Secretary of the Interior and published in the Federal Register on April 10, 1981; and
- WHEREAS, the State of Washington and the State Liquor Control Board have taken actions purporting to regulate and tax liquor sales by the Squaxin Island Tribe in a manner which is inconsistent with the tribal ordinance and destructive to the sovereignty of the Tribe; and
- WHEREAS, the Squaxin Island, Skokomish, Nooksack and Shoalwater Bay Tribes formed a voluntary intertribal organization known as United Sovereign Tribes, to protect and defend their sovereign rights and to challenge the legality of the State of Washington's attempt to cripple their liquor businesses and deprive them of revenues necessary for economic and governmental self-sufficiency; and
- WHEREAS, the United Sovereign Tribes instituted a lawsuit against the State of Washington in the U.S. District Court for the Western District of Washington in Tacoma (Squaxin Island Tribe et al. v. State of Washington et al.) which raised complex questions of tribal sovereignty and State jurisdiction, due process and equal protection of the laws, and other matters of vital concern to the tribes; and
- WHEREAS, the District Court entered rulings and a final Judgment adverse to the tribes on a number of issues which have

been appealed to the U.S. Court of Appeals for the Ninth Circuit; and

WHEREAS, the United Sovereign Tribes and each of its member tribes have agreed to prosecute the appeal to the Ninth Circuit and have agreed that the Squaxin Island Tribe shall continue to act as trustee and coordinator for purposes of collecting, disbursing and accounting for funds and serving as liaison with and between the attorneys and the member tribes during the appeal.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Squaxin Island Tribal Council hereby authorizes and directs the United Sovereign Tribes to retain Miriam L. Chesslin, with offices located currently at 713 Hoge Building, 705 Second Avenue, Seattle, Washington 98104, (206) 467-9983, and the law firm of Hobbs, Straus, Dean & Wilder, 1819 H Street N.W., Suite 800, Washington, DC 20006, (202) 783-5100, to represent it and take all necessary legal action in connection with the appeal of Squaxin Island Tribe et al. v. State of Washington et al. (9th Cir., 85-3509).
2. The Squaxin Island Tribal Council hereby agrees to serve as trustee and coordinator for the United Sovereign Tribes for purposes of the appeal and to appoint or designate one or more of its members or tribal employees to collect, retain and disburse funds, to maintain accurate accounts and records, and to act as liaison between the members of the United Sovereign Tribes and its attorneys, and other interested tribes and organizations.
3. The Squaxin Island Tribal Council, having reviewed the attached attorney contract with Miriam L. Chesslin and Hobbs, Straus, Dean & Wilder, hereby authorizes the Chairman of the Squaxin Island Tribal Council to execute the contract, as trustee for the United Sovereign Tribes; and further agrees, upon request of the trustee, to pay its proportional share of the attorneys' fees as set forth in the contract.

5. This contract may be terminated by the Tribes or the Attorneys upon thirty days' written notice to the other party.

IN WITNESS WHEREOF, we have hereunto set our hands and seals:

UNITED SOVEREIGN TRIBES

Date

By

David Whitener, Chairman
Squaxin Island Tribe, as
Trustee

Date

Miriam L. Chesslin

HOBBS, STRAUS, DEAN & WILDER

By

Jerry C. Straus