



NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION
SERVING TRIBAL JUSTICE SYSTEMS SINCE 1969

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A 501(c)(3) Non-Profit
Association

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March 24, 2017

Certified Mail – Return Receipt Requested

Mr. Raymond Dodge
Nooksack Indian Tribe – Tribal Court
4971 Deming Road
Deming, WA 98244

Re: **NOTICE.** Request for Membership Resignation, or Notice of Due Process
Regarding Termination from NAICJA Membership

Dear Mr. Dodge:

You were previously accepted into membership with the National American Indian Court Judges Association (NAICJA). Since then, NAICJA's Board of Directors has become aware that your judicial appointment may not qualify under our membership criteria. The Board has observed that while you have occupied the position of the Chief Judge of the Nooksack Tribe, since June 2016, proceedings in the Nooksack Tribal Court appear starkly inconsistent with the federal Indian Civil Rights Act of 1968 and fundamental notions of tribal due process. These events are of grave concern to the NAICJA, as they threaten the integrity of all Tribal Courts.

On or about June 13, 2016, the holdover council, lacking a quorum, purportedly replaced Judge Alexander with you, immediate past Nooksack Tribal Attorney and the council's lawyer in the election dispute. It appears that while you occupied the position of Chief Judge, you allegedly directed the clerk of the Nooksack Tribal Court to reject notices of appearances and answers to complaints responsive to unlawful eviction proceedings initiated by the holdover Tribal Council; otherwise denied tribal members their due process right to civil counsel of their choosing; and refused to convene hearings in proceedings initiated by the holdover council's opponents.

By July 25, 2016, the Nooksack Appeals Court/Northwest Inter-tribal Court System (NICS) proclaimed that on your watch, the Nooksack Tribe and its Judiciary "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 Appeals Court proclaimed, "that at Nooksack the rule of law is dead." These are astonishing judicial proclamations, which erode the rule of law for all tribes.

On October 17, 2016, the U.S. Department of the Interior issued a decision that it would only recognize "those actions taken by the Nooksack Tribal Council prior to March 24, 2016, when a quorum existed, and will not recognize any actions taken since that time," which appears to include your purported appointment as Chief Judge (and perhaps also Chief Judge Alexander's termination).

On December 23, 2016, the Department of Interior issued a decision of the Nooksack Tribal Council that directly addressed the validity of your "orders" as Chief Judge:

"It has come to the Department's attention that orders of eviction may have been recently issued to be served by the Nooksack Chief of Police or could be issued and served in the near future. It appears that such orders are based on actions taken by the Tribal Council after March 24, 2016. Therefore, as explained to you about and in the previous letters to you, those orders are invalid and the Department does not recognize them as lawful"

In sum, NAICJA does not view your Nooksack Tribal Court judicial appointment as valid. Further, while you have occupied the position of Chief Judge at Nooksack, proceedings do not appear to have been conducted in compliance with the federal ICRA or fundamental tenets of tribal due process at law.

NAICJA is devoted to strengthening tribal justice systems. An integral part of NAICJA's mission is to ensure that tribal courts are forums where fundamental due process rights are honored. NAICJA can only support members who are legitimate and comport with that core tenet of tribal democracy and judicial integrity.

Accordingly, pursuant to Article III, Section 5 of the NAICJA Bylaws (Termination of Membership), NAICJA requests your resignation from our membership. If you do not wish to immediately resign your membership, NAICJA will offer you the opportunity to present your defense to these findings via a telephonic hearing before we terminate you from NAICJA membership.

Please submit your written response, no later than April 3, 2017. If we do not hear from you, we will consider the matter closed and your membership terminated.

Respectfully,



Richard Blake, President
Board of Directors

- cc: Nooksack Indian Tribal Council
Washington State Bar Association
Bureau of Indian Affairs as follows:
- Michael Black, Acting Assistant Secretary, Washington, D.C.
 - Stanley Speaks, Director, Portland, OR
 - Marcella Teters, Superintendent, Everett, WA