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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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Swinomish Indian Tribal Community Releases Preliminary Election Results ***Members Resoundingly Amend Tribal Constitution that Dates Back to 1936***

SWINOMISH INDIAN RESERVATION—The members of the Swinomish Indian Tribal Community voted overwhelmingly yesterday to amend certain aspects of their Tribal Constitution. The Constitution is the most important governing document for the Tribe, setting forth the Tribal Senate's governing powers, the manner in which the Senate may exercise those powers, and the rights of Tribal members and others.

The Tribal Constitution was originally adopted 80 years ago. It contained many provisions designed by the Bureau of Indian Affairs (BIA) – including many provisions for BIA oversight of the Tribe's day-to-day activities – imposed during an era of Federal paternalism toward tribal communities and people. The Constitution was last amended 30 years ago.

The Tribe's institutions of self-government have evolved greatly since the original Constitution was adopted, and since it was last amended. Federal policy has also evolved during that period, promoting and supporting the exercise by Indian tribes of the powers of self-government without routine oversight by BIA.

The Tribe worked closely with the BIA for more than two years to develop amendments to modernize the Tribe's Constitution. Many amendments - including those addressing jurisdiction, the tribal court, and reducing Federal involvement in Tribal self-governance matters – are modeled after the BIA's Sample Constitution provided for all tribes to use as a guide in modernizing their constitutions. Indeed, the BIA has specifically urged all tribes to remove the formal requirement of BIA (or "Secretarial") approval for routine actions from their constitutions, allowing for greater tribal self-governance and self-sufficiency. Other tribes across the U.S. have made similar changes to their constitutions in recent years.

Several of the amendments approved in yesterday's election focused on updating the language, policies and procedures in the Constitution, resulting overall in a more efficient and functional governing process consistent with Federal law. In the last 30 years since the last amendments, Federal law has

changed in many areas affecting tribes. The Tribe sought amendments that would ensure consistency with these changes.

One important amendment strengthens and expands individual civil rights, more explicitly guaranteeing the freedoms of religion, speech, press, assembly and association, and protecting the rights of the accused, for all persons subject to the Tribe's jurisdiction, not just tribal members. Another amendment establishes a Constitutional Court and strengthens the independence of the existing tribal judiciary, limiting the grounds upon which a judge can be removed.

The amendments specific to the territory and jurisdiction of the Tribe do not change the Swinomish Reservation boundary, impact property ownership of the Tribe or others in the community, or expand the Tribe's authority under Federal law. In a recent letter from the BIA's Northwest Regional Director to local landowners, the Director stated, "Amending a tribal constitution cannot and will not allow for a tribe to expand its reservation boundaries. Establishing or expanding reservation boundaries is a separate process and is entirely different than the governing tribal body amending its governing documents for the betterment of the tribe. Further, there is no mechanism under federal regulation to 'annex' properties into a reservation and put them under tribal jurisdiction as some have suggested." The Regional Director went on to acknowledge Chairman Brian Cladoosby for his outreach efforts during the period leading up to the Tribal election and further stated, "Although there is certainly no legal requirement to do so, we find it encouraging that Chairman Cladoosby met with your group to address your concerns."

Sixty percent of registered Swinomish voters participated in the Constitutional election, voting on each of 29 proposed amendments. Every one of the amendments was resoundingly approved by at least 80% of the voters.

Chairman Cladoosby was pleased with the election turnout and said, "I am thankful for all of the hard work of our voters and Constitutional Reform Committee members to bring our Tribal Constitution into the 21st century. This is self-determination in action."

Regarding the election results, Chairman Cladoosby went on to state, "As a result of this election, we can now move ahead on our path towards fully reclaiming our status as a true sovereign nation. No longer will we have to get the blessing of the BIA just to carry out basic governance. We are not forging a new path, we are following in the footsteps of our elders for all our relations, past, present and future." He continued, "Our priorities will always focus on the protection and enhancement of the quality of the lives of all of our members and on providing a safe and healthy environment for everyone living on and participating in the activities of the Swinomish Reservation. Thank you to all those who made the effort and took the time to vote in this pivotal election toward our continuing self-sufficiency."

The Swinomish Indian Tribal Community is a federally recognized Indian Tribe with more than 900 members. Swinomish is a legal successor to aboriginal bands, including the Samish, Lower Skagit, Kikialus and Swinomish, that signed the 1855 Treaty of Point Elliott. Its reservation is located 65 miles North of Seattle, Washington on Fidalgo Island.

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