



LUMMI INDIAN BUSINESS COUNCIL

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July 26, 1984

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on Indigenous Populations
Palais des Nations
Geneva, Switzerland

Honorable Chairman:

The Lummi Indian Tribe is pleased to submit written statements for consideration by the United Nations Working Group on Indigenous Populations report to the sub-commission on prevention of discrimination and protection of minorities. If further details are needed we will be happy to provide them. Thank you for the opportunity to express our views.

The Lummi Reservation located in Whatcom County in Northwest Washington State, about five miles west of the City of Bellingham, 100 miles north of Seattle and 50 miles south of Vancouver British Columbia. The Reservation consists of a peninsula which forms Lummi Bay on the west and Bellingham Bay on the east; a smaller peninsula Sandy Point, northwest of the large peninsula; and Portage Island, a 1000 acre island off the tip of the main peninsula. The original acreage of the Lummi Indian Reservation included 12,500 acres; about 30 percent of this has been alienated and is now in non-Indian ownership. Approximately 8,500 acres remain in Indian control. The natural resources of the tribe consist of land, water, timber, fish and other seafoods.

The Lummi Tribe is experiencing considerable growth. There were 510 tribal members at the time the Reservation was established in 1855, 861 in 1942 and 1,650 members in 1971. These figures were based on a census, not having a base roll established. During 1973 - 1983 the tribe has worked a great deal in enrollment of qualified members. In doing so, population figures have grown as persons who were not on the census were contacted. Membership figures now stand at 3,000. By the 1980 census there are 1,258 Indians residing on the Lummi Reservation. Of a potential labor force of 718 persons, 470 or 65% are unemployed.

The Lummi Indian Tribe concurs with the statement prepared by the Quinault Indian Nation and wishes to offer specific examples of treaty violations by the United States Government. The Lummi

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Tribe was one of several tribes which signed the Point Elliott Treaty of 1855 with the United States Government. This Treaty was signed many years before there was a State of Washington or a federal income tax. The Indians ceded vast areas of land to the government with small amounts of land reserved for the Indian nations. Further, the Indians reserved to themselves their rights to take fish not only on their small reservations, but at all of their usual and accustomed fishing grounds and stations.

In 1982 the U.S. Internal Revenue Service began a process of audit and income tax collection on Indian fishermen which the tribal attorneys maintain is an abrogation of the fishing rights under the treaty (see attached letter to Senator Dan Evans). Although President Reagan has issued a policy statement which refers to a government to government relationship between the Federal Government and Indian governments, Lummi has been totally frustrated in attempts to negotiate this issue. (see attached letters). Indian people have honored the treaties but all U.S. Government Administrations from the mid-nineteenth century forward, with the possible exception of John F. Kennedy, have not.

Further, commercial and industrial evolution was permitted and encouraged outside the reservations through subsidies, land grants and government contracts to corporations and individuals. However, economic development has not been allowed to evolve on Indian reservations and has, in fact, been impeded on the Lummi Reservation by the State of Washington and now is planned by the Internal Revenue Service.

The taxing of the Lummi fishermen's income from fish not only abrogates the treaty but also violates a principle of indigenous land rights identified in the Quinault position paper.

"Indigenous ownership of land must, in all cases, include the right to use sub-surface minerals, water, fore-shore, off-shore, air and flora and fauna."

Another issue of concern to the Lummi Tribe is religious freedom. The United States Congress, in 1978, passed the American Religious Freedom Act. This Act guarantees to the Indian people the inviolable right to practice their traditional religion on the most meaningful manner. Free from governmental interference. In the brief time since its enactment, however, it has become increasingly clear to the federal land management agencies that Indian religious concerns are land management questions. The clearest and most immediate conflict is with the United States Forest Service, which manages 200,000,000 acres of federally-owned land in the continental United States. Over two-thirds of this land is located in the western States of Oregon and Washington. In addition, much of the remaining old-growth forest, valued as sacred by many of the Indian people are now restricted to these two States. Despite repeated attempts to impart the


value of these resources to the Forest Service, they, like most federal agencies, are unwilling or unable to implement policies which will adequately protect and conserve identified sacred areas.

As a result of this conflict, many of these areas will be roaded, logged, and sprayed in the next decade violating their value and, in so doing, compromising the stated purpose and intent of the American Indian Religious Freedom Act. The solution to this problem can only come from changes in the policies, plans, and perspective of the Forest Service at the highest levels. The Lummi Tribe, in conjunction with other tribes in the Pacific Northwest and Southwest United States, is currently petitioning the United States Congress to conduct an inquiry into the nature and magnitude of this problem. It is a problem that goes beyond simple questions of land management and enters the realm of cultural rights and the integrity of Indian society. The Lummi Tribe seeks the support and assistance from National as well as Inter-National groups in pressuring the Congress of the United States to investigate this matter. It is our hope and belief that such an inquiry will improve understanding of the nature and extent of this issue, as well as improve the policies and plans of all the federal natural resource management agencies.

We are also enclosing a statement prepared by Mr. Sam Cagay, Lummi Tribal Councilman and elder.

Thank you once again for this opportunity.

Sincerely,



Fred F. Lane
Vice Chairman
LUMMI INDIAN BUSINESS COUNCIL.

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July 24, 1984

Honorable Chairman
United Nations Working Group on Indigenous Populations
Palaise De Nations
Geneva, Switzerland

Honorable Chairman:

The Lummi Indian Nation transmits the attached submission for review and consideration by the Third Session of the Working Group on Indigenous Populations. Our submission is officialy being carried to the Third Session our behalf by Rudolph C. Reyser of the Center for World Indigenous Studies.

The Lummi Tribe wishes to continue participation in the work of the Working Group. Please advise us if we can make further contributions.

Sincerely,

Fred F. Lane
Vice Chairman

LUMMI INDIAN BUSINESS COUNCIL

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Enclosure