

# GALANDA BROADMAN

June 10, 2024

## VIA EMAIL

Secretary Deb Haaland  
United States Department of the Interior  
1849 C Street, NW  
Washington, D.C. 20240

Re: International and Domestic Indigenous Human Rights Violations Against Seven Nooksack Families and Tenant-Homebuyers

Dear Secretary Haaland:

I write to more formally bring to your attention the plight of seven Nooksack Indigenous families who are imminently facing evictions from and takings of their homes without due process or equal protection at law.<sup>1</sup> You are the highest ranking federal Indian affairs Official in the United States. You are “charged with the supervision of public business relating to . . . Indians.” 43 U.S.C. 1457. You “shall . . . have the management of *all* Indian affairs and of *all* matters arising out of Indian relations.” 25 U.S.C. 2 (emphasis added). We ask that you immediately act to halt these unlawful evictions and property takings.

I know from Department of Interior officials that you are aware of this situation, especially on Monday, January 3, 2022, the day after this domestic Indigenous human rights saga made the front page of the New York Times.<sup>2</sup> I’m told you personally and the entire top floor of Interior Department building, were “abuzz” by the front-page news. But that did not cause you to exercise your power and provide any relief to the families.

I trust you are also aware that the United Nations has twice called upon the Biden administration to halt these unlawful evictions and property takings, first on February

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<sup>1</sup> “Nooksack Families Face Renewed Threats of Physical Eviction and Exile from their Homelands,” June 7, 2024, *available at*:

<https://www.galandabroadman.com/blog/2024/6/nooksack-families-face-renewed-threats-of-physical-eviction-and-exile-from-their-homelands>

<sup>2</sup> Mike Baker, “A Tribe’s Bitter Purge Brings an Unusual Request: Federal Intervention,” The New York Times, Jan. 2, 2022, at A1, *available at*: <https://www.nytimes.com/2022/01/02/us/nooksack-306-evictions-tribal-sovereignty.html>

24, 2022 and again on March 31, 2023.<sup>3</sup> The UN detailed how these families have endured repeated armed Tribal police visits to their homes; the denial of any right to legal counsel in eviction proceedings; the denial of any semblance of due process or equal protection of law; and the threatened uncompensated takings of their federal tax credit homes. The Biden administration deflected both of the UN's interventions, blithely citing "tribal sovereignty" and ignoring the UN's very specific inquiries of the United States.

As you can see from the two appended lengthy email strands with the Interior and other federal officials since early 2022, we have nevertheless pleaded with officials in your Interior Department throughout the past two years to enforce the federal Indian Civil Rights Act and related federal laws by halting these evictions and preventing these property takings. Yet our cries for help have largely gone unanswered by the Biden administration, and they have not resulted in any disruption of the evictions or takings.

You undeniably have the authority to stop the human rights violations. 43 U.S.C. 1457; 25 U.S.C. 2. As the first Indigenous cabinet Secretary in United States history, you also have moral authority and responsibility to defend and protect these families' human rights. "Indigenous human rights" must be more than just words to the Biden administration. You have a historic opportunity to give meaning to those words.

We have asked the UN to once again intervene with the Biden administration in an effort to halt the evictions and takings, specifically directing UN officials to your attention. We hope you will personally respond to any further UN intervention or related inquiry.

We ask for your response to this communication. Thank you for your consideration.  
Very truly yours,



Gabriel S. Galanda  
Attorney at Law  
*Admitted to practice law in Washington*

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<sup>3</sup> See "USA: Evictions of Indigenous Nooksacks must stop – UN experts," United Nations Human Rights Office of the High Commissioner, Feb. 3, 2022, *available at*: <https://www.ohchr.org/en/press-releases/2022/02/usa-evictions-indigenous-nooksack-must-stop-un-experts>

## Appendices

Cc: Laura Daniel-Davis, Acting Deputy Secretary  
U.S. Department of the Interior  
laura\_daniel-davis@ios.doi.gov

Sarah Greenberger, Associate Deputy Secretary  
U.S. Department of the Interior  
sarah\_greenberger@ios.doi.gov

Bryan Newland, Assistant Secretary – Indian Affairs  
U.S. Department of the Interior  
bryan\_newland@ios.doi.gov

Bryan Mercier, Northwest Regional Director  
Bureau of Indian Affairs, U.S. Department of the Interior  
bryan.mercier@bia.gov

# **APPENDIX A**



Gabe Galanda &lt;gabe@galandabroadman.com&gt;

**RE: <External Message> Re: Nooksack**

**Gabe Galanda** <gabe@galandabroadman.com>

To: "Gallegos, Joaquin R" <joaquin\_gallegos@ios.doi.gov>

Cc: "Carney, Tom" <tom.carney@hud.gov>, "Newland, Bryan" <bryan\_newland@ios.doi.gov>, Heidi Frechette <Heidi.J.Frechette@hud.gov>, Jad Atallah <Jad.K.Atallah@hud.gov>, "Mercier, B" <Kyra.O.Perrigo@hud.gov>, heidi\_todacheene@ios.doi.gov, Fatima.Abbas@treasury.gov

Assistant Secretaries Newland & Frechette:

It has been a few months since either of your agencies replied to my communications. I'm grateful to have last gotten an acknowledgement from Joaquin and before that, a response from Tom. I ask that you please substantively respond, in some way that protects the Indigenous human right to housing and honors Congress's intent through ICRA, NAHASDA, and LIHTC.

My folks once again face threats of eviction, amid police visits to their homes. At this moment, physical evictions from their LIHTC homes--to which they are entitled to deeds--suddenly appear after a May 2nd motion for stay was "REJECTED" by the Court Clerk, and despite my and my partners' own pending due process claims before the Nooksack judiciary that would allow us to r Consider Michelle Roberts' pro se plea to the judge:

All of this happened while our lawyers' appeal is pending so that they can be allowed to represent us. My family does not understand what all of these tribal court p why we need help from our lawyers. Any tribal people would need legal help in such a complicated legal case.

You can read the attached pleadings to conclude that the Nooksack judiciary remains a kangaroo court, which gives all tribal courts in this country a black eye. There is no due process, which I humbly and desperately ask for your intervention. Please don't look away.

**Gabriel S. Galanda**

Attorney at Law

Galanda Broadman, PLLC

office: 2065577509

cell: 2063007801

[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)

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On Thu, May 23, 2024 at 10:02AM Gabe Galanda <gabe@galandabroadman.com> wrote:

Assistant Secretaries Newland & Frechette:

We are grateful to have received this message from the United Nations, in reaction to the movie:

"Many thanks! Powerful film, I just watched it and will share with the Special Rapporteurs."

We hope you both as well as Secretaries Haaland and Fudge will also watch the movie. It is not too late for you both as Indigenous people or either of those trailblazing women of color to

The world is also watching the administration's domestic human rights record, with a careful eye.

We otherwise still hope to hear back from DOI/ASIA and HUD/ONAP in response to our recent communications.

**Gabriel S. Galanda**

Attorney at Law

Galanda Broadman, PLLC

office: 2065577509

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On Tue, May 21, 2024 at 2:48PM Gabe Galanda <gabe@galandabroadman.com> wrote:

Assistant Secretaries Newland & Frechette:

Still without any human rights protection from the Biden administration or Secretaries Haaland or Fudge, my folks are grateful to be the subject of *Nooksack 306*, a 25-minute, digital movie.

This movie will be shared with the United Nations and media outlets across the country, with focus on the Biden administration's continued inaction despite the United Nations' repeated, u

I ask you and your advisors to please watch this movie and then reask each other what DOI/ASIA, HUD/ONAP or Treasury/IRS might do to protect my clients from having their HUD-fund

As things stand, the Indigenous human rights record of the Biden administration is not materially different from the Trump administration's. "Indigenous human rights" seem to be just wor

More generally, I still hope to hear back from DOI/ASIA and HUD/ONAP in response to our various communications over the last several months.

Thank you.

**Gabriel S. Galanda**

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On Tue, May 14, 2024 at 10:10AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
Assistant Secretaries Newland & Frechette:

We hope for your reply. It's been a considerable amount of time since we've heard anything of substance from either of your offices, and we fear things are going to get even worse at Nooksack.

Thank you for your consideration.

**Gabriel S. Galanda**  
Attorney at Law  
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On Fri, May 10, 2024 at 11:40AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
All:

My firm's efforts to appear and seek a stay in the Nooksack "appeals court" for the seven Nooksack families facing eviction and taking of their LIHTC homes without due process or jurisdiction.

This again leaves my clients without counsel, as they desperately attempt to maintain their homes. This is not "tribal sovereignty" or "tribal self-determination."

Here is [a link to the 85 federal non-compliance notices](#), which WSHFC filed against Nooksack with the IRS last spring. The notices result from Nooksack's failure to follow federal and state laws.

However, the attached recently uncovered WSHFC document indicates: "the IRS has stated that it will not take action in response to a notice of noncompliance after a project reaches completion."

If true, this is astonishing. It would mean that a LIHTC developer like Raymond James can promise homes for conveyance at year 15 but once 15 years lapses, they do not have to honor the promise.

Recall \$4,204,030 in NAHASDA dollars were used to develop the LIHTC homes at Nooksack, and NAHASDA expressly attaches ICRA to those dollars and homes. There are multiple homes at Nooksack.

We remain in close communication with the United Nations in this regard, and hope to hear from you very soon about what this administration will do to honor and protect Indigenous rights.

**Gabriel S. Galanda**  
Attorney at Law  
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office: 2065577509  
cell: 2063007801  
[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)

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On Fri, Apr 26, 2024 at 7:48AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
All:

As feared, Nooksack tribal officials have resurrected tribal appellate proceedings that have been dormant for the last year.

Hopefully the last year of calm has allowed the Biden-Harris administration to devise some form of strategy to enforce federal ICRA, NAHASDA, and LIHTC laws in protection of millions of dollars of federal money.

As things stand, federal Indian civil rights and international Indigenous human rights died on the Biden-Harris administration's watch. That became official [on June 1, 2023, when the Biden-Harris administration signed Executive Order 14176](#).

It is not too late for the Biden-Harris administration to establish or resuscitate some commitment to federal Indian civil rights and international Indigenous human rights protection, a commitment that would honor the promises made to Indigenous peoples.

I hope to hear from you.

**Gabriel S. Galanda**  
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On Tue, Mar 12, 2024 at 10:56AM Gallegos, Joaquin R <[joaquin\\_gallegos@ios.doi.gov](mailto:joaquin_gallegos@ios.doi.gov)> wrote:  
Dear Gabe:

Thank you much for the message. Acknowledging receipt.

Be well,  
Joaquin

**Joaquin R. Gallegos**  
Advisor  
Office of the Assistant Secretary – Indian Affairs  
U.S. Department of the Interior  
[joaquin.gallegos@indianaffairs.gov](mailto:joaquin.gallegos@indianaffairs.gov)

**From:** Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)>  
**Sent:** Tuesday, March 12, 2024 12:23 PM  
**To:** Carney, Tom <[tom.carney@hud.gov](mailto:tom.carney@hud.gov)>  
**Cc:** Newland, Bryan <[bryan\\_newland@ios.doi.gov](mailto:bryan_newland@ios.doi.gov)>; Heidi Frechette <[Heidi.J.Frechette@hud.gov](mailto:Heidi.J.Frechette@hud.gov)>; Jad Atallah <[Jad.K.Atallah@hud.gov](mailto:Jad.K.Atallah@hud.gov)>; Mercier, Bryan K <[Bryan.Mercier@bi](mailto:Bryan.Mercier@bi)>  
 <[Kyra.O.Perrigo@hud.gov](mailto:Kyra.O.Perrigo@hud.gov)>  
**Subject:** [EXTERNAL] Re: <External Message> Re: Nooksack

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

All:

My folks remain safe for the time being. There's no telling why, after 12 years of persecution they're suddenly being left alone, but hopefully that lasts indefinitely.

The Washington State Legislature just passed this appropriation to support a statewide audit of WSHFC's failed LIHTC ETO program. While the United States has shirked its tru appraised.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the state auditor's office to conduct a perfo rent-to-own policies have affected affordable housing and home ownership options for eligible tenants; make recommendations for the cor that offer rent-to-own options for tenants.

**Gabriel S. Galanda**

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On Wed, Jan 24, 2024 at 4:17 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Tom:

Thank you kindly for your reply; it is greatly appreciated, as is HUD's continued monitoring at Nooksack. Thankfully the powers that be in Deming are leaving my folks alone fo

It remains perplexing that even though (a) \$4,204,030 in NAHASDA dollars were used to develop the LIHTC homes at Nooksack, (b) NAHASDA expressly attaches ICRA to th

At minimum, this situation exposes a glaring Indigenous human rights gap in federal Indian housing programming.

If HUD or the Biden administration truly cares about Indigenous home ownership, as it professes, rather than just Tribal self-determination, as it demonstrates, I hope you all w

**Gabriel S. Galanda**

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On Mon, Jan 22, 2024 at 9:24AM Carney, Tom <tom.carney@hud.gov> wrote:

Mr. Galanda,

HUD is not aware of the Nooksack tribe violating any provision of NAHASDA or its implementing regulations at this time. We can enforcement action against the Nooksack tribe, and the agency does not have grounds for intervening in the ongoing tribal court pro

Sincerely,

Tom

### Tom Carney

Administrator

HUD-Northwest Office of Native American Programs (NwONAP)

(206) 220-6204 (W)

(202) 834-9438 (C)

[ONAP Webpage](#)

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**From:** Gabe Galanda <gabe@galandabroadman.com>

**Sent:** Thursday, December 21, 2023 8:12 AM

**To:** Bryan Newland ASIA <bryan\_newland@ios.doi.gov>; Frechette, Heidi J <Heidi.J.Frechette@hud.gov>

**Cc:** Atallah, Jad K <Jad.K.Atallah@hud.gov>; Mercier, Bryan K <bryan.mercier@bia.gov>; Shepard, Eric <eric.shepard@sol.doi.gov>; joaquin\_gallegos@ios.doi.gov; Sfirid

**Subject:** <External Message> Re: Nooksack

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If y

Assistant Secretaries Newland & Frechette:

After living another year under threat of eviction and armed police ejection, my clients appear to be safe from those persecutions these next couple weeks. But they will s under LIHTC, NAHASDA, and ICRA. I don't expect to hear back from your agencies over the holidays--and hope you all enjoy restful breaks--but I do hope to hear from yo

#### Gabriel S. Galanda

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On Wed, Dec 13, 2023 at 7:41 AM Gabe Galanda <gabe@galandabroadman.com> wrote:

Assistant Secretaries Newland & Frechette:



I remain interested in hearing from your offices in reply to my July 19, October 24, or November 1, 14 or 18 emails below.

I was heartened to hear ASIA Newland speak last week of his agency's mission "to protect the ability of every Native person here in the United States to lead safe and he

This week marks 12 years of my clients' unprecedented tribal political persecution at Nooksack. Since December of 2012, they have been subject to countless human ri

Based on all of the new information about our clients' property rights in their LIHTC homes, will ASIA or HUD now do something--anything--to prevent takings without due

More generally, will Secretaries Haaland and Fudge do something--anything--to help protect human rights in Indian country? What, if anything, will they do to help "prote

Secretaries Haaland and Fudge, too, have not yet risen to the occasion. But it is never too late for the Trustee to do the right thing. Your agencies can still make a real c

**Gabriel S. Galanda**

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On Sat, Nov 18, 2023 at 1:55 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

Please consider the attached letter from Washington State Representative Gerry Pollet to WSHFC Director Steve Walker in order to reconsider Interior and HUD's Ion Nooksack of concern.

There is in fact federal authority to intervene, but it will require reconsideration of any agency position that this is a "tribal sovereignty" issue, as a HUD manager once of news stories below supports the need for reconsideration.

Of note from the State Representative's letter:

- "It is a misconception that 'the tribes' own the homes during the 15-year ETO period . . . At Nooksack, for example, the homes are built and owned by Washingt onus on 'the tribes.' **Nor does it make sense for the agency to cite 'tribal sovereignty' and say 'we have no authority to intervene' at places like Nooksack.**
- "there are ownership rights expressed in certain lease or other agreements between program participants and tribal housing authorities. Appreciating the home

With the White House Tribal Summit approaching, please use this increasingly dynamic situation as an opportunity to inculcate some--any--commitment to domestic Ir

## ‘Rent-to-own’ programs will be audited after WA lawma

<https://www.seattletimes.com/seattle-news/politics/rent-to-own-programs-will-be-audited-after-wa-lawmakers-raise-concerns/>

## WA audit of failed rent-to-own program is a positive step

<https://www.seattletimes.com/opinion/editorials/wa-audit-of-failed-rent-to-own-program-is-a-positive-step/>

## Is a rent-to-own housing program working? W

Two lawmakers who requested the audit say hundreds of low-income families h

<https://washingtonstatestandard.com/2023/11/09/is-a-rent-to-own-housing-program-working-wa-auditor-looks-for-answers/>

## Rent-to-own program should be one promise to tribes th

<https://www.seattletimes.com/opinion/editorials/rent-to-own-program-should-be-one-promise-to-tribes-that-wa-keeps/>

**Gabriel S. Galanda**

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On Tue, Nov 14, 2023 at 9:42 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

A federal response is also required. Our clients maintain that they are entitled to deeds to their homes and that their homes can't be taken without ICRA-required di

## 'Rent-to-own' programs will be audited after WA lawm

<https://www.seattletimes.com/seattle-news/politics/rent-to-own-programs-will-be-audited-after-wa-lawmakers-raise-concerns/>

## WA audit of failed rent-to-own program is a positive ste

<https://www.seattletimes.com/opinion/editorials/wa-audit-of-failed-rent-to-own-program-is-a-positive-step/>

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On Fri, Nov 10, 2023 at 8:52 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

I remain interested in hearing from your offices in reply to my July 19, October 24, or November 1 emails below. Please advise.

Here is yet more indication to the United States that something has gone horribly wrong with the federal and state regulation of my clients' LIHTC homes, which t

The question remains: Does the Biden-Harris administration, including Secretaries Haaland and Dodge, care enough about Indigenous humanity to do somethin

## Is a rent-to-own housing program working? \

## Two lawmakers who requested the audit say hundreds of low-income familie

<https://washingtonstandard.com/2023/11/09/is-a-rent-to-own-housing-program-working-wa-auditor-looks-for-answers/>

**Gabriel S. Galanda**  
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On Wed, Nov 1, 2023 at 9:15 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

We have yet to hear from either of your offices in reply to my July 19 or October 24 emails below. Please advise.

The Seattle Times has further exposed the NAHASDA-funded LIHTC shell game that contributes to the threatened takings of our clients' homes without due p NAHASDA. But HUD feigns it lacks authority to enforce ICRA.

How many different ways does the Biden-Harris administration, specifically Secretaries Haaland and Fudge, need to be told they are standing squarely on the Countless other indications that this is all terribly wrong and unjust.

Indigenous human rights protection must exist in this country notwithstanding "Tribal sovereignty," precisely as civil rights overcame "state sovereignty" claims do something other than shrug its shoulders, as it did with the United Nations.

I hope this will warrant some form of response from either of you or your teams.

# Rent-to-own program should be one promise to tribes

<https://www.seattletimes.com/opinion/editorials/rent-to-own-program-should-be-one-promise-to-tribes-that-wa-keeps/>

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On Tue, Oct 24, 2023 at 11:22 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

We have yet to hear from either of your offices in reply to my July 19 email below. Please advise.

Please also consider this latest mainstream news story that affirms our clients' ICRA-, NAHASDA-, and ICRA Section 42-protected property rights. Federal What will it take for the Biden-Harris administration to take some--any--action to protect Indigenous property rights in this country? One would hope that the

## WA lawmakers seek 'rent-to-own' audit, worried

<https://www.seattletimes.com/seattle-news/politics/wa-lawmakers-seek-rent-to-own-audit-worried-about-broken-promises/>

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On Wed, Jul 19, 2023 at 1:33 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

For the last 19 months, we have sought a determination by any domestic agency or tribunal as to whether our LIHTC homebuyer clients enjoy property (i

Neither Interior, ASIA, Treasury, the IRS, HUD, nor Washington state authorities have been willing to undertake that inquiry. Now the Washington State A

While the 7 Nooksack families are safe for the moment due to automatic tribal appellate court stays that they obtained pro se, they still remain without an

Meanwhile, the United Nations considered the merits of the issue and found that our clients in fact have vested property rights that cannot be deprived w

As a matter of policy, it appears the United States remains generally uncommitted to federal Indian civil rights protection (here, despite NAHASDA's incor calamitous to many other tribal tenants and homebuyers.

I would be grateful for any response or update from ASIA and HUD so we can ascertain whether we should continue our correspondence with your agen

Thank you for your consideration.

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On Fri, Jun 2, 2023 at 7:51 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

It is never too late for the United States to walk its international and Indigenous human rights talk, and to step over to the right side of history. I contin

## U.N. has spoken, now Inslee, Biden should interven

By

The Seattle Times editorial board

While it would be hyperbole to call the potential eviction of a few dozen people from their homes a global hum former members.

It's a complicated, fraught situation. The Nooksack people have tribal sovereignty rights in the United States. T

At issue are some of the "Nooksack 306," former members of the tribe who lost their standing when the tribe d get to share in the wealth generated by the tribe's casino, membership is an internal matter. The Nooksack Tribe

What's less an internal matter are members of about 20 households among the 306 who live in properties held i Tribe seeks to evict them so that people it deems actual members of the tribe may live there.

Last year, the United Nations Human Rights Commission warned that this has become a potential human rights

Both the U.S. Department of the Interior (answerable to President Joe Biden) and the WSHFC (answerable to C federally-funded and state-approved program. They should be able to stay in homes that have been theirs for m

Even if direct action is impossible, Biden and Inslee should bring indirect pressure in the form of public conder

We are unaware of any time that the United Nations has ever intervened in potential human rights violations wi

The Seattle Times editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Alex Fryer, https://www.seattletimes.com/opinion/editorials/u-n-has-spoken-now-inslee-biden-should-intervene-in-nooksack-tribe-eviction-dispute/

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On Mon, May 22, 2023 at 7:50 AM Gabe Galanda <gabe@galandabroadman.com> wrote:

Assistant Secretaries Newland & Frechette:

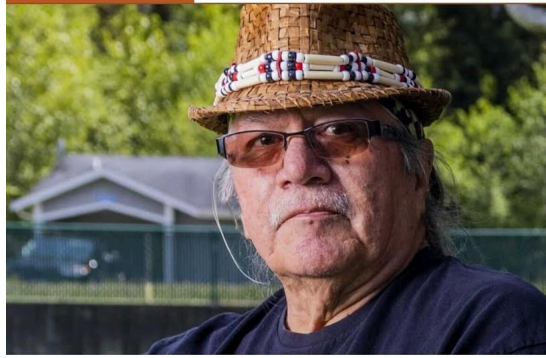
In a front-page, long-form story this weekend, the Seattle Times spotlights the domestic Indigenous human rights calamity at Nooksack. We hope t

https://www.seattletimes.com/seattle-news/politics/united-nations-watchdogs-raise-concerns-about-nooksack-evictions-again/

Newspaper clipping from The Seattle Times dated Saturday, May 20, 2023. Headlines include: 'Lifeguard shortage: keeps 3 Seattle beaches closed', 'Jim Brown, NFL great and civil rights champion, dies at 87', 'City attorney wants to prosecute drug cases under new state law', 'U.N. presses White House on evictions', 'Bezos' Blue Origin lands \$3.4B lander deal', 'MOON Leaders hail win for region's space industry', 'UW Medicine patients could lose Premier in-network coverage'. Includes a photo of a person in a room and a photo of a house.



Top Stories Local News Biz/Tech



## Why U.N. watchdogs are warning White House about WA tribe's evictions

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On Mon, May 15, 2023 at 3:05 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

We're grateful for ASIA's production of the attached unprecedented intervention of the UN with the Biden administration. We have yet to see the results of the UN's intervention. Over the last year and a half we have shared with the UN all the same information we have shared with the US over that span. After the UN's de

"While tribal membership may have been a pre-condition for the construction or rehabilitation of their homes under the LIHTC programme

According to the attached public record, in early 2022 the Washington State Housing Finance Commission (WSHFC) also reached the conclusion that

("Sovereignty" has also been espoused by other federal and state agencies and tribunals as reason to demur in the face of this manifest human

As the UN and WSHFC have both recognized, our clients potentially have property rights in their LIHTC homes. It is crucial that the United States

The UN also expresses its concern that our clients are being evicted "without due process and compensation in violation of international human rights

For federal regulatory enforcement purposes, our clients are being evicted in violation of the federal ICRA's prohibition against property rights de

Insofar as NAHASDA funding is predicated upon ICRA compliance, HUD must now take the position that Nooksack stands in violation of NAHAS

I implore the United States to now stand in honor and defense of Indigenous human rights.

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On Fri, Apr 21, 2023 at 11:13AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

We've confirmed that the State Department is in receipt of the United Nations' second unprecedented communication to the US, circa March 3

We again ask that your agencies consult and coordinate with the State Department before it issues any response. There is an unprecedented communication from the United Nations.

Never before has the United Nations interceded with the United States in what the federal government calls an "internal tribal matter," and nev their LIHTC homes; they are owed deeds rather than eviction notices.

Also, we have sought that single communication from the State Department via FOIA but they won't produce the record to us until October 31, as quickly as is possible.

Thank you for your consideration.

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On Tue, Apr 4, 2023 at 12:41 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

Last week the United Nations issued a second unprecedented communication to the State Department calling for a halt to the Nooksack ev

Never before has the United Nations interceded in what the United States calls a tribal "internal matter."

Never before has the United Nations told an American tribal government what to do.

These communications underscore the manifest human rights abuse injustice being suffered by my clients, which thus far the Biden admini

The United States has until May 30 to respond.

Last year the State Department sent the attached generic response to the United Nations, without meaningfully consulting with the White H

We ask ASIA and HUD to ensure that the United States does not further respond to the United Nations without full interagency consultation

For additional context about the federal and state affordable housing tax credit fraud that is being perpetuated at Nooksack (and in 22 other

It appears all seven Nooksack LIHTC households will remain safe this spring due to a provision of tribal law that allows evictions to be staye

Olive Oshiro and Norma Aldredge have already obtained automatic appellate stays on a pro se basis. (They had indigent legal counsel but

Mike Rabang, Francisco Rabang, and Michelle Roberts have Zoom unlawful detainer "trials" this Friday. They, too, have been denied any r

Under tribal law, the Nooksack Tribal Council qua Supreme Court is the final arbiter of the seven Nooksack LIHTC households' appeals, wh

In sum, the Federal Family now has more time, and opportunity, to act. You can make "Indigenous human rights" mean something in Amer

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On Wed, Mar 15, 2023 at 5:46 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

All:

Four of the seven LIHTC households at Nooksack have not gotten eviction orders. Thankfully there's an automatic appellate stay provisio but inevitable, especially because their pro se appeals could eventually end up before the tribal council as so-called "supreme court." Ap

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On Tue, Mar 7, 2023 at 10:45 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

All: The cops haven't arrived, thankfully. Still, nobody should be subject to such constant stress and intimidation, especially not Elders Indigenous humanity, please act.

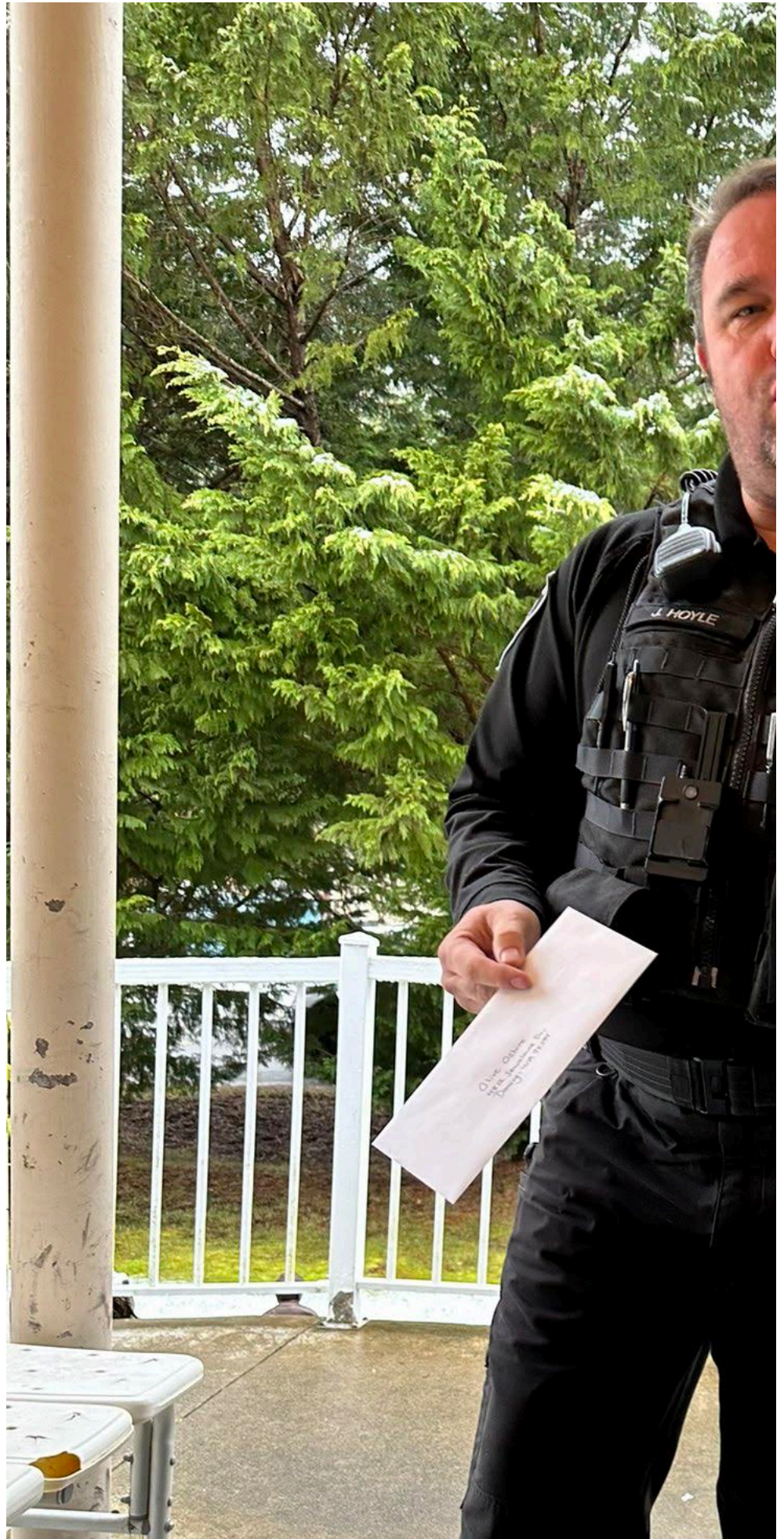
On Mon, Mar 6, 2023 at 8:15 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

All: I have two Elder families tonight who are worried about being evicted by tribal cops at 8 am Pacific tomorrow/Tuesday. They file

On Fri, Mar 3, 2023 at 9:58 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

Despite the Elders' pro se efforts this week to obtain a stay of the eviction, 86 year-old Elder Olive Oshiro received yet another ui  
your immediate intercession.







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On Wed, Mar 1, 2023 at 3:54 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette & Fatima:

The two pro se Elders' families have done their best to cobble together and file the attached appeal papers, which could or should have protected their belongings from their longtime homes.

We continue to hope and pray the United States will take action to halt these evictions.

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On Mon, Feb 27, 2023 at 2:13 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette & Fatima:

75 year-old Norma Aldredge and her husband Eugene, an 85 year-old Air Force Veteran (pictured below, along with the other seven households' LIHTC property) We continue to hope and pray the United States will somehow recognize these seven households' LIHTC property (equitable).



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On Sat, Feb 25, 2023 at 9:33 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

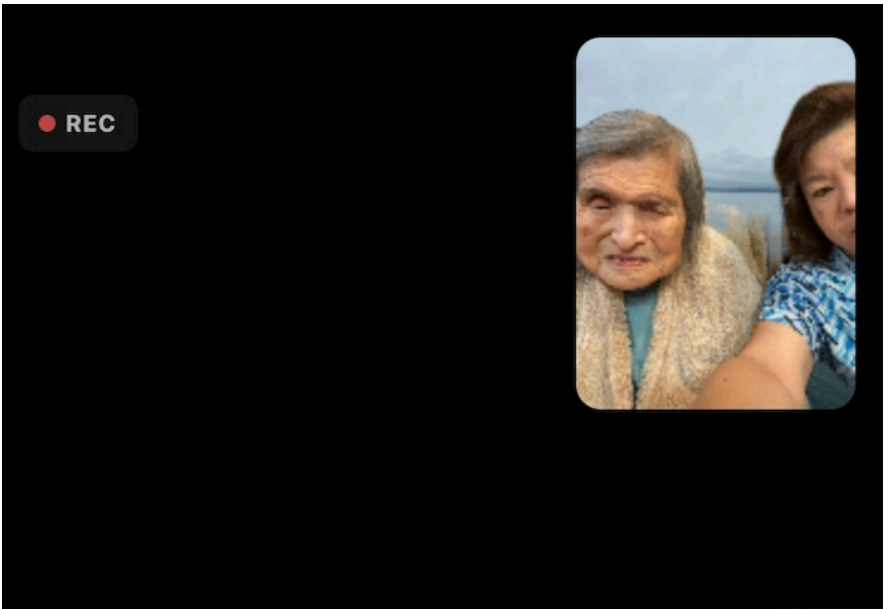
Assistant Secretaries Newland & Frechette & Fatima:

As foretold yesterday, the first eviction writ has been issued, to 86 year-old Elder Olive Oshiro. The writ is attached.

She has until March 7 to vacate, but she cannot vacate. She is physically and mentally unable to vacate. She is wheelchair-bound daughter and son-in-law who care for her, and remove their belongings from their home of nearly 25 years--a home that

In an incomplete sentence at the end of the writ, appeal rights are mentioned. She will appeal pro se but it's unclear if th

After all of these months and all of our cries for humanitarian assistance in protection of domestic Indigenous human right



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On Fri, Feb 24, 2023 at 9:41 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette & Fatima:

The first eviction writs, likely with instruction to vacate within 10-14 days, are expected to issue by no later than March

Recall the Tribe has threatened "forced evictions"; the immediate past chairman has threatened "blood in the streets";

All seven LIHTC households have now received adverse summary judgment eviction decisions, despite, at minimum,

Despite the veneer of tribal due process, it was sorely lacking:

- All seven households were denied the right to an administrative grievance hearing (also recall BIA and HUD bc
- All seven households were denied the right to counsel during administrative hearings; only two were able to ge
- All seven households were denied any ability to have their LIHTC property rights adjudicated by the Tribal Coui

Pivotaly, no court or agency has yet adjudicated or determined our clients' LIHTC property rights. We continue to pra

Thank you for your continued consideration.

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On Thu, Feb 16, 2023 at 2:44 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette & Fatima:

Nooksack cops are once again making rounds, serving Elders with eviction papers at their homes. Here are image

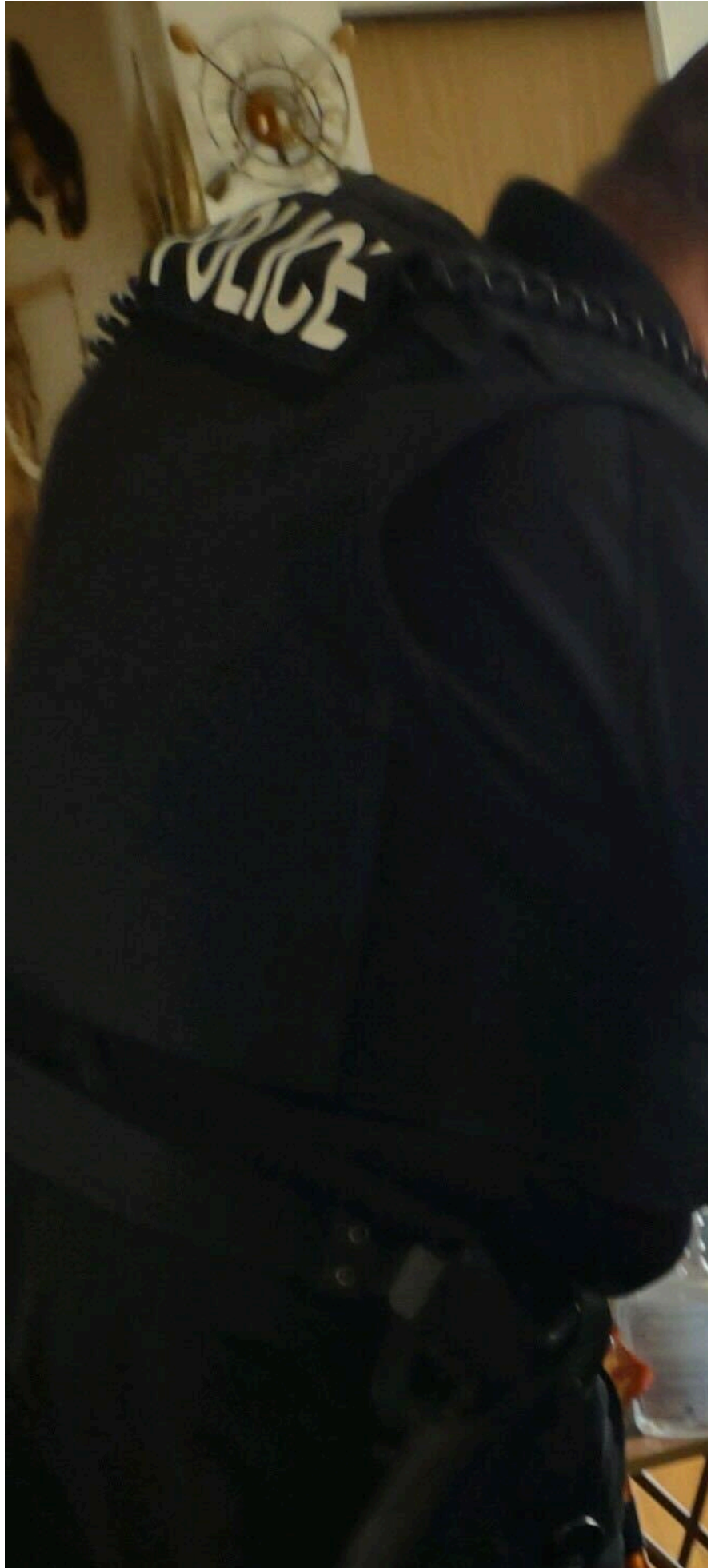
Attached is the latest eviction decision, against pro se defendant Michelle Roberts. I suspect two other decisions is

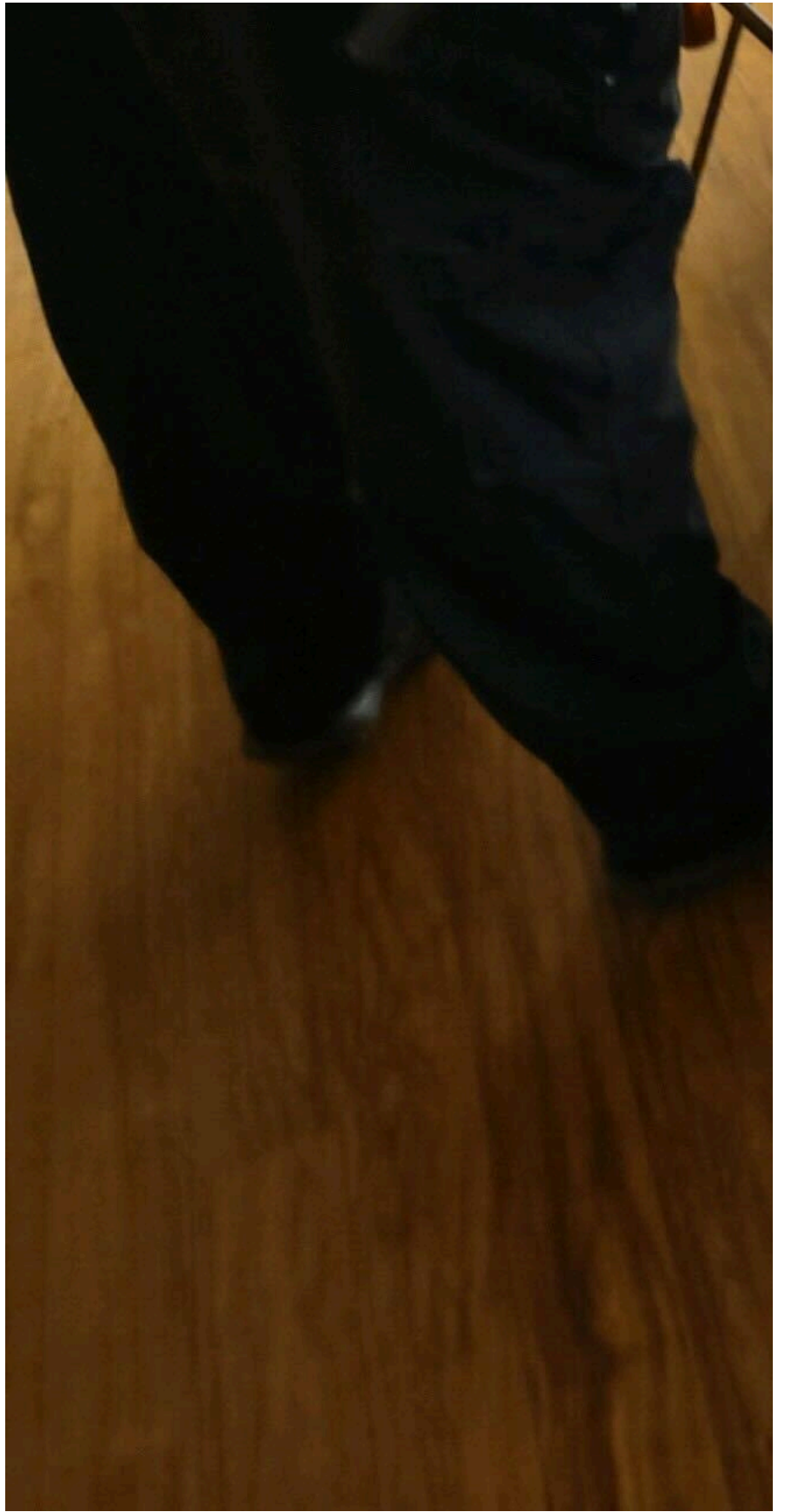
This decision is all over the place. Most significantly, it refuses to consider Michelle Roberts' LIHTC property rights. reconsideration of or otherwise challenge that conclusion or any of the other legal errors the judge made.

**Pivotaly, there has yet to be any decision, anywhere, as to the merits of our clients' LIHTC property rights.**

In related news, NJP has withdrawn from representing Olive Oshiro and Norma Aldredge or is in the process of doi

I implore the Trustee to act. Please.







---

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On Tue, Feb 7, 2023 at 7:51 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette & Fatima:

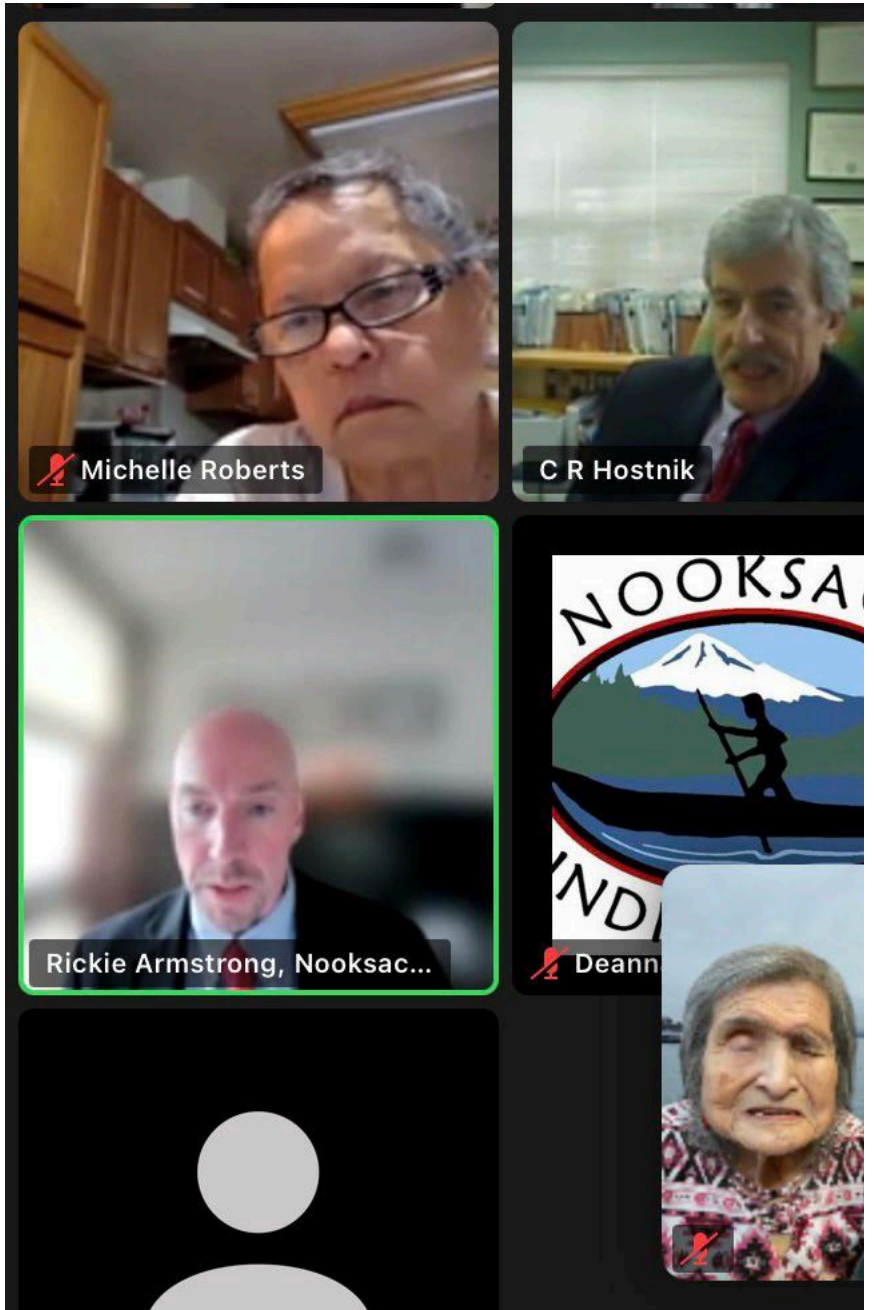
This second eviction decision was issued to 75 year-old Norma Aldrege and her 85 year-old husband and Air Fo

They, too, were denied my assistance, as well as administrative process in contravention of both the BIA and HU

Pivotaly, no court, agency, or official has yet to opine on our clients' LIHTC property rights. Insofar as Congressi

It cannot stand that Indigenous Americans are the only naturally born citizens of this country who lack civil rights





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On Mon, Feb 6, 2023 at 3:39 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette & Fatima:

As long expected, the first of the seven families with LIHTC home ownership rights has been issued the attack rights arguments. They were denied the ability to bring all of their arguments before the tribal court. The fix w

Crucially, the heads of households were never legally disenrolled and no court has ever determined that they now a pro tem tribal court judge who denied my clients the right to my help. Please undertake the effort to see

We expect three to six other families will get the same or similar decisions in the very near term. We contin

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On Wed, Jan 25, 2023 at 1:22 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette & Fatima:

We have not heard anything official from the Federal Family since HUD's November 17, 2022 letter, expres

We remain hopeful the Trustee will take humanitarian action without any further delay, as empowered by fe

**Gabriel S. Galanda**  
Attorney at Law  
Galanda Broadman, PLLC  
office: 206.557.7509  
cell: 206.300.7801  
[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)

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On Wed, Jan 11, 2023 at 2:19 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette & Fatima:

While our clients continue to await eviction orders and your agencies kindly consider LIHTC, ICRA, and I

Household	Rental Agreement Effectiv
Alex Mill	(
Olive Oshiro	!
Saturnino Javier	(
Michelle Roberts	1:
Mike Rabang	(
Francisco Rabang	10
Norma Aldredge	:

**Gabriel S. Galanda**  
Attorney at Law  
Galanda Broadman, PLLC  
office: 206.557.7509  
cell: 206.300.7801  
[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)

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On Fri, Dec 23, 2022 at 11:59 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

Despite living throughout the holidays in fear of Nooksack police arriving at their doorsteps with evicti the Trustee's help in resolving this domestic humanitarian crisis.

**Gabriel S. Galanda**  
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On Mon, Dec 12, 2022 at 7:54 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

Thanks to NPR, the nation continues to watch and listen as this domestic human rights calamity un

<https://www.npr.org/2022/12/11/1142119438/the-nooksack-tribe-in-washington-is-attempting-to-evic>

It remains fundamentally wrong, and illegal, that nine low income tax credit households—including 8

The Biden administration must act. In addition to Tribal national and sovereignty rights, there must

**Gabriel S. Galanda**  
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Galanda Broadman, PLLC  
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cell: 206.300.7801  
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On Fri, Dec 9, 2022 at 12:36 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Early on a snowy morning, Michelle Roberts prepared for a hearing in tribal

In November, the U.S. Department of Housing and Urban Development told

At the tribal court hearing, Roberts' aunt – Billie Rabang – said her family h

"The lack of legal representation has stunted us, just I mean, we can't, we do

So Roberts testified for herself and her family to the best of her ability.

"Well, it takes a village to raise, to take care of our elders. And we all take ca

<https://www.knxx.org/social-justice/2022-12-09/residents-face-disenrollment- eviction-in-nooksack>

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On Mon, Dec 5, 2022 at 2:13 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

True to form, Nooksack has rebuffed HUD's 11/17/22 concerns that the Roberts and Rabang I

Of course both HUD and Interior have demanded Nooksack to follow its own housing policies  
hearings, NIHA has initiated unlawful detainer against the Roberts and Rabang households in

Although the Roberts and Rabang households are homebuyers, not tenants, NIHA has applie

Nooksack now stands in noncompliance with NAHASDA. We urge HUD and Interior to each i

**Gabriel S. Galanda**  
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On Sat, Dec 3, 2022 at 8:20 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

Nooksack has now flouted HUD's 11/17/22 request that it afford administrative due process

As you can hear from the attached audio excerpt from yesterday's tribal court hearing, whe

"As to Ms. Roberts' argument that we did not provide a grievance hearing, and a HUD eligibility for all at Nooksack housing is no different as it is for Ms. Barril as it is for M

As a result of this illegal position, Nooksack has continued to deny the required grievance r  
Both Interior and HUD have indicated in writing that Nooksack must follow its own policies.  
The tribal court did not make any ruling as to those three pro se LIHTC households yesterd  
Meanwhile enrolled Nooksack member, LIHTC homebuyer, and pro se Hameesh Jimmy re  
This is a wholly illegitimate LIHTC housing purge. These are grotesque domestic human ri

**Gabriel S. Galanda**  
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On Wed, Nov 23, 2022 at 8:39 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
<blockquote style="border-top:none;border-

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Why U.N. watchdogs are warning White House about WA tribe's evictions

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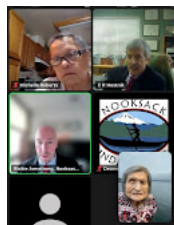
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# **APPENDIX B**



Gabe Galanda &lt;gabe@galandabroadman.com&gt;

---

## Nooksack

---

**Gabe Galanda** <gabe@galandabroadman.com>

Fri, Dec 23, 2022 at 11:59 AM

To: Bryan Newland ASIA <bryan\_newland@ios.doi.gov>, "Frechette, Heidi J" <Heidi.J.Frechette@hud.gov>, "Clements, Hart (Murray)" <hart\_clements@murray.senate.gov>, "Thompson, Megan (Cantwell)" <megan\_thompson@cantwell.senate.gov>, "Sfiridis, Stephanie A" <stephanie.sfiridis@bia.gov>, Bryan Mercier <bryan.mercier@bia.gov>, "Bledsoe Downes, Ann M" <ann.bledsoedownes@sol.doi.gov>, "Atallah, Jad K" <jad.k.atallah@hud.gov>, "Carney, Tom" <tom.carney@hud.gov>, "Bills, Shawn (Murray)" <shawn\_bills@murray.senate.gov>, "Honard, Victoria" <victoria.honard@mail.house.gov>, "Perrigo, Kyra O" <Kyra.O.Perrigo@hud.gov>

Cc: Bill Elfo <BElfo@co.whatcom.wa.us>, "Brown, Nicholas (USAWAW)" <nicholas.brown@usdoj.gov>, "J. Tate London" <tate.london@usdoj.gov>

Bcc: Michelle Roberts <michelle.roberts3012@gmail.com>

Assistant Secretaries Newland & Frechette:

Despite living throughout the holidays in fear of Nooksack police arriving at their doorsteps with eviction orders, it appears several feet of snow in Deming this week spared the Elders and families from that happening before Christmas. Hopefully they will be allowed some sense of peace and tranquility until 2023, when we will certainly still need the Trustee's help in resolving this domestic humanitarian crisis.

**Gabriel S. Galanda**

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Galanda Broadman, PLLC

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cell: 206.300.7801

[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)**CONFIDENTIAL ATTORNEY WORK PRODUCT/ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

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On Mon, Dec 12, 2022 at 7:54 AM Gabe Galanda <gabe@galandabroadman.com> wrote:

Assistant Secretaries Newland & Frechette:

Thanks to NPR, the nation continues to watch and listen as this domestic human rights calamity unfolds. Here's the national NPR story that aired yesterday:

<https://www.npr.org/2022/12/11/1142119438/the-nooksack-tribe-in-washington-is-attempting-to-evict-people-from-tribal-homes>

It remains fundamentally wrong, and illegal, that nine low income tax credit households--including 88 and 80 year old elders suffering dementia--are having their longtime homes taken this winter without any due process right to counsel or just compensation.

The Biden administration must act. In addition to Tribal national and sovereignty rights, there must be Indigenous human rights in America.

**Gabriel S. Galanda**

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On Fri, Dec 9, 2022 at 12:36 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Early on a snowy morning, Michelle Roberts prepared for a hearing in tribal court. The stakes were high: The hearing could determine whether Roberts gets to keep the home she's been living in for 15 years....

In November, the U.S. Department of Housing and Urban Development told Nooksack leaders it had concerns Roberts and others were being denied a fair process.

At the tribal court hearing, Roberts' aunt – Billie Rabang – said her family haven't even been able to find a lawyer authorized to represent them in tribal court.

"The lack of legal representation has stunted us, just I mean, we can't, we don't understand, and what we're supposed to be doing," she told the judge.

So Roberts testified for herself and her family to the best of her ability.

"Well, it takes a village to raise, to take care of our elders. And we all take care of each other here. That's why we're here, to not only, you know, fighting for our identity, fighting for our houses, fighting for everything, anything that we can to, to stay together," Roberts said.

<https://www.knkn.org/social-justice/2022-12-09/residents-face-disenrollment- eviction-in-nooksack-tribal-court>

**Gabriel S. Galanda**

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On Mon, Dec 5, 2022 at 2:13 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

True to form, Nooksack has rebuffed HUD's 11/17/22 concerns that the Roberts and Rabang households were not afforded administrative due process prior to facing tribal court unlawful detainer actions. See the Tribe's attached 12/1/22 response to HUD.



Of course both HUD and Interior have demanded Nooksack to follow its own housing policies and procedures. [Title 45, Section 45.02.010C](#) allows unlawful detainer only "[a]fter NIHA has terminated such person's tenancy pursuant to their policies and procedures." Having denied the Roberts and Rabang households required grievance hearings, NIHA has initiated unlawful detainer against the Roberts and Rabang households in violation of Nooksack policies and procedures.

Although the Roberts and Rabang households are homebuyers, not tenants, NIHA has applied its policies and procedures to them and must follow them.

Nooksack now stands in noncompliance with NAHASDA. We urge HUD and Interior to each immediately take remedial action. Again, the potential Sunday, December 11, 2022 eviction date against the Roberts and Rabang households looms as the only written eviction date threatened by Nooksack.

**Gabriel S. Galanda**

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On Sat, Dec 3, 2022 at 8:20 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Assistant Secretaries Newland & Frechette:

Nooksack has now flouted HUD's 11/17/22 request that it afford administrative due process to three of the nine LIHTC households now facing eviction.

As you can hear from the attached audio excerpt from yesterday's tribal court hearing, where those three households appeared pro se and without counsel, Nooksack's lawyer stated:

"As to Ms. Roberts' argument that we did not provide a grievance hearing, and a HUD letter, which is an argument that she started to make at the last hearing, HUD did issue a letter—**we would have to strike that as irrelevant to this matter**...Ms. Roberts claims that the decision utilized In Re Barril was different—the issue of eligibility for all at Nooksack housing is no different as it is for Ms. Barril as it is for Ms. Roberts as it is in Mr. Rabang."

As a result of this illegal position, Nooksack has continued to deny the required grievance hearings to those three households that HUD specifically urged; they proceeded in tribal court yesterday despite not affording those hearings in response to HUD's 11/17/22 letter.

Both Interior and HUD have indicated in writing that Nooksack must follow its own policies. As Treasury now reviews our clients' LIHTC home ownership interests, **we urge Interior and HUD to notify Nooksack that it stands in violation of federal law. The status quo must be maintained.**

The tribal court did not make any ruling as to those three pro se LIHTC households yesterday but the potential Sunday, December 11, 2022 eviction date looms as the only written eviction date threatened by Nooksack.

Meanwhile enrolled Nooksack member, LIHTC homebuyer, and pro se Hameesh Jimmy received an eviction order from the tribal court yesterday; she must vacate her home of twelve years between December 17, 2022 and January 2, 2023. Her eviction underscores that these evictions are not about enrollment.

This is a wholly illegitimate LIHTC housing purge. These are grotesque domestic human rights violations. The Trustee must act.

**Gabriel S. Galanda**

Attorney at Law

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On Wed, Nov 23, 2022 at 8:39 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
All:

The first three of nine LIHTC households now under threat of eviction without due process or any right to counsel, are proposed for forcible eviction on **Sunday, Dec. 11, 2022 at 8:01 AM**: Michelle Roberts and her wheel-chair bound husband Rupe; Mike Rabang, 79 years old and senile; and Francisco and Billie Rabang, ages 80 and 71. Both the United States and the state of Washington have the power--in fact duty--to stop these illegal and immoral evictions. But time is short.

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On Fri, Nov 18, 2022 at 6:22 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
All:

Attached is an excerpted audio recording of yesterday's public comment session before the Washington State Housing Commission. Please take three minutes to listen to third party Chuck Messinger of the Opportunity Council succinctly and dispassionately describe why these evictions are illegal and unjust.

**Gabriel S. Galanda**  
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On Tue, Nov 8, 2022 at 6:23 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
ASIA Newland, All:

Nooksack elders and families that filed pro se papers to defend their homes are now being threatened with "sanctions" and personal liability for filing "unsigned, unverified pleadings." And the Tribe's rhetoric is now reaching a fever pitch.

Will anybody in a position of federal power do anything to de-escalate this federally-funded insanity?

**Gabriel S. Galanda**  
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On Thu, Nov 3, 2022 at 10:34 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
All:

As further proof that these evictions are not a "disenrollment issue," it appears a second LIHTC homebuyer at Nooksack, Gwendolyn Peterson, who is still enrolled is also being evicted without cause. Her email to WSHFC's ED is below; she has also grieved to HUD. The other is Hameesh Jimmy; she too was never disenrolled and has grieved to WSHFC and HUD. There are now nine LIHTC homebuying households facing eviction and harm this winter; seven disenrolled, two disenrolled. Unless the US or State of Washington somehow takes regulatory enforcement action, we can expect Nooksack to be further emboldened to evict others without cause or due process over the holidays. This calamity requires the Federal Family's most urgent and deliberate consideration.

----- Forwarded message -----

From: **Gwendolyn Peterson** <[gmp4624@gmail.com](mailto:gmp4624@gmail.com)>  
Date: Thu, Oct 20, 2022, 2:14 PM  
Subject: Nooksack housing  
To: <[steve.walker@wshfc.org](mailto:steve.walker@wshfc.org)>

This is Gwendolyn Peterson I live at 5908 Edith Dr, Deming, WA 98244 and nooksack housing is trying to kick me out for no reason I have done everything they asked me to and they are telling me who I can have over and who I can't and they have changed the policy and procedures and expect us to go by them and not the ones that I've signed when I moved into the house in 2020. I am a enrolled tribal member and I am full blooded nooksack. And I am a single mother of an enrolled tribal. And I should own the house in the beginning of 2023 cause the house is a class 2 tax house

**Gabriel S. Galanda**  
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On Thu, Nov 3, 2022 at 6:36 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
ASIA Newland:

With certain "forcible evictions" threatened by Dec. 12, we are running out of time. As you can see from the attached letter threatening "sanctions" against a pro se elder (because I am unable to help them and no other lawyer is allowed to either), things continue to degrade to an unbelievable place. The U.S. must act.

We urge ASIA to immediately:

1. Declare ICRA property rights violations, as per our August 30, 2022 letter with Exhibits that outlines the seven LIHTC households equitable title rights. This would allow HUD to consider taking NAHASDA enforcement action.
2. Contact the IRS LIHTC office and Washington Governor Jay Inslee's Chief of Staff Jamila Thomas and urge the state of Washington, by and through its state housing finance commission, to take LIHTC regulatory enforcement action that might halt the evictions.

And lest anyone think my concerns about "bloodshed" are hyperbole, consider this transcript excerpt from an interview of immediate past Chairman Ross Cline earlier this year. To be clear, I am telling my people to fight for and not surrender their homes; not to risk a fight with tribal police that could result in further bodily harm to Nooksack people. Please do not underestimate the potential for violence at the direction of Nooksack politicians or the hands of Nooksack police.

Interviewer (01:07:56): Are you expecting a fight?

Ross Cline (01:08:00): Galanda is telling them to fight. What would you expect? I expect them to listen to their attorney and I expect bloodshed.

Interviewer (01:08:12): Bloodshed.

Ross Cline (01:08:12): That's what I expect.

Interviewer (01:08:15): How are you guys? How are you preparing for that?

Ross Cline (01:08:19): Waiting for it to happen? What can you do? And then you'll have the attorney come in, Galanda, more or less, stick his foot on the dead bodies. This is what I was talking about. The armed. What did he call our cops? Goons, maybe shooting my people.

Nobody, especially Indigenous Americans, should be forced to live like this: under threat of eviction without due process, taking of property without just compensation, and police violence. As a matter of fact, no other American citizens do live like this. I implore the U.S. to do what is right.

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On Wed, Oct 5, 2022 at 3:53 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
All:

Nooksack police continue to visit Elders and families at their doorsteps with eviction papers, as you can see below. My clients have now been constantly living that police nightmare for over a year. It appears

eviction orders will be issued against as many as 26 of my clients from the Tribal Court, where I'm not allowed to practice, by early December.

Forcible evictions by Nooksack police are therefore predicted over the holidays. Earlier this year, former Chairman Cline spoke of "blood in the streets" when that day comes.

Meanwhile, this recent settlement of a calamitous Nooksack judicial misconduct/police violence case by USA Brown's office goes to show that civil rights can be honored and justice can be accomplished for Indigenous Americans when the federal government intervenes. <https://crosscut.com/news/2022/10/nooksack-elder-daughter-settle-case-against-tribal-judge>

The Biden administration (Interior, HUD, Treasury/IRS) and Washington's Congressional Delegation still have the power to help prevent further injustice. I beg for your intercession.



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On Mon, Aug 1, 2022 at 8:54 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
Assistant Secretaries Newland & Frechette:

As predicted, despite the Washington State Supreme Court's two injunction orders ([here](#) and [here](#)), particularly its June 23rd warning to the Nooksack Housing Limited Partnerships that continuing with Tribal Court unlawful detainer proceedings at this time would be "highly problematic," Nooksack Housing Limited Partnerships #2 and #4's agent and property manager, NIHA, filed the attached full-throated Tribal Court summary judgment motion and served it on our folks via armed Nooksack police this evening.

Nooksack Housing Limited Partnerships #2 and #4 now stand in crystal clear contempt of the Washington State Supreme Court and other applicable law. We urge your immediate intercession or enforcement action.



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On Fri, Jun 24, 2022 at 8:04 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
All:

Please consider what the Federal Government might do if Nooksack proceeds with unlawful detainer proceedings notwithstanding this warning in footnote 7 of yesterday's injunction Ruling:

"Any further action in the tribal court on the unlawful detainer proceeding will be highly problematic in light of this court's order imposing a temporary injunction."

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On Thu, Jun 23, 2022 at 1:01 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

All:

Moments ago the Washington State Supreme Court granted discretionary review and extended the eviction injunction against the State Limited Partnerships that own our clients' LIHTC homes for what could amount to at least six months pursuant to a related appellate schedule.

While there are findings that are unfavorable to our clients, as to the pivotal issue in this dispute, including as to ICRA and NAHASDA, the Supreme Court opined "petitioners' argument concerning an ownership interest in their rental units is worthy of further exploration." Indeed, our clients are not mere "renters" as the Tribe feigns.

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On Thu, Jun 23, 2022 at 7:17 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

All:

Continuing to answer to nobody--now including the Washington State Supreme Court--Nooksack pressed forward with Tribal Court eviction proceedings yesterday. Thankfully we were able to get the proceedings continued until August.

If each of you would, please take a few minutes to watch this local NBC news story from last night and ask yourself:

- How can this still be happening, notwithstanding unprecedented decrees from the UN, Interior, HUD, State, and the State Supreme Court?
- What can my office--what can we, the Federal Family--do to stop the illegality and inhumanity before it worsens?
- How can we guard against the "bloodshed" threatened by Nooksack politicians should this situation transgress to forcible evictions later this summer?

The federal response thus far has proven insufficient. There remain federal levers to be pulled. We implore you to pull them. As you can see from the attachment, others like longtime local Indigenous rights lawyer and Seattle City Council President Debora Juarez are urging federal and state intercession.

<https://www.king5.com/article/news/politics/nooksack-tribal-court-continues-the-process-of-evicting-disenrolled-members/281-7ef62e29-8c76-47f2-9ddb-67ea3fcb8e8e>

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On Wed, Jun 1, 2022 at 1:01 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
All:

At the 3:45 mark of this 4 minute, 30 second documentary movie clip about the human rights atrocity at Nooksack, Chairman Ross Cline threatens "bloodshed."

Please be fully advised.

<https://vimeo.com/716093420>  
password: offering

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On Wed, May 25, 2022 at 8:31 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
All:

Nooksack cops returned to Elders' homes last night to serve them with unlawful detainer papers. 86 year-old Ollie Oshiro and 74 year-old Norma Aldredge received papers.

It is still not too late for the Federal Government to do something to immediately prevent this cruelty.

Or will the Biden Administration and Washington Delegation wait until the cops attempt to forcibly remove Elders and families from their homes? It appears that's where we're headed because my folks do not intend to leave their LIHTC homes; they couldn't leave even if they desired to.





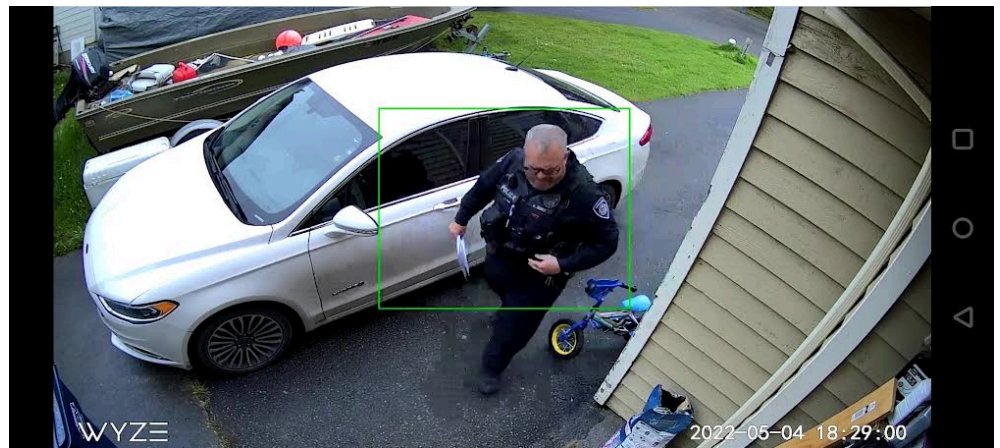
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On Wed, May 4, 2022 at 8:27 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
All:

Nooksack police have now arrived at my folks' doorsteps with eviction papers for the third night in a row. Meanwhile NIHA is threatening housing inspections on Mother's Day. This is pure intimidation and antagonization. I implore the federal family to do something to diffuse this powder keg. I'm copying the Whatcom County Sheriff, too.



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On Wed, May 4, 2022 at 8:09 AM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

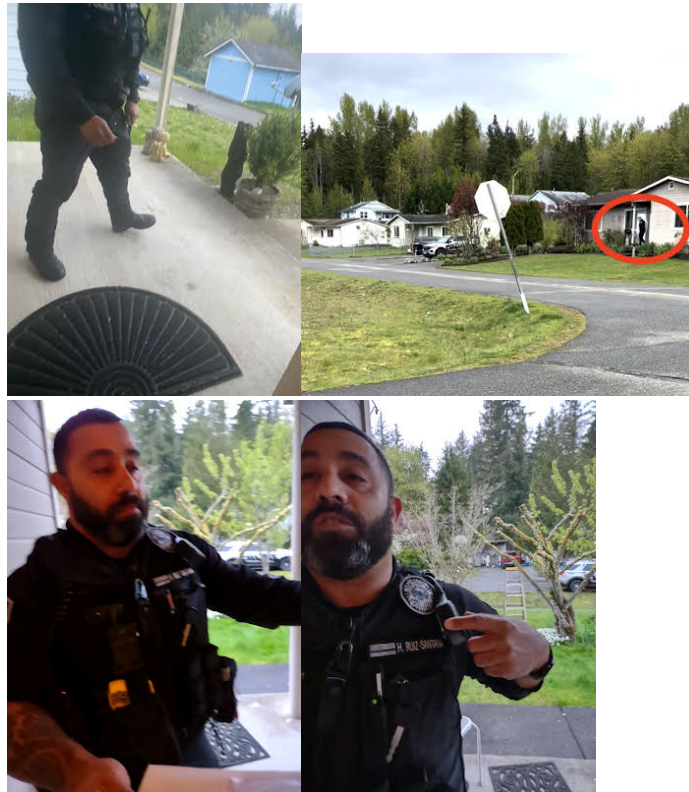
All:

Nooksack cops have returned to our Elder clients' homes these past few nights to further terrorize them. Two nights ago 71 year-old Wilma Rabang hid in her bedroom from a cop that banged on her door four times and yelled "NOOKSACK POLICE." A cop returned last night and served her with a 14-day notice to vacate.

In February, the UN correctly observed to the State Department "it was not necessary to have an armed police officer serve the families at home." The Biden Administration demurs despite the terror these police visits since last fall have caused our clients, particularly Elders in their 70s and 80s.

Meanwhile, as the BIA has been advised, Nooksack authorities have forewent administrative eviction proceedings required by tribal housing policy, and proceeded directly to issue 14-day notices. HUD and the BIA should take appropriate action to at least enforce tribal housing policy and protocols.

I would appreciate the courtesy of any or all of you responding to acknowledge receipt of my emails. The Biden Administration, in particular, owes my clients as much, in the name of Indigenous human rights protection. I continue to believe there is an opportunity for peace at Nooksack if the Administration or Delegation will engage.



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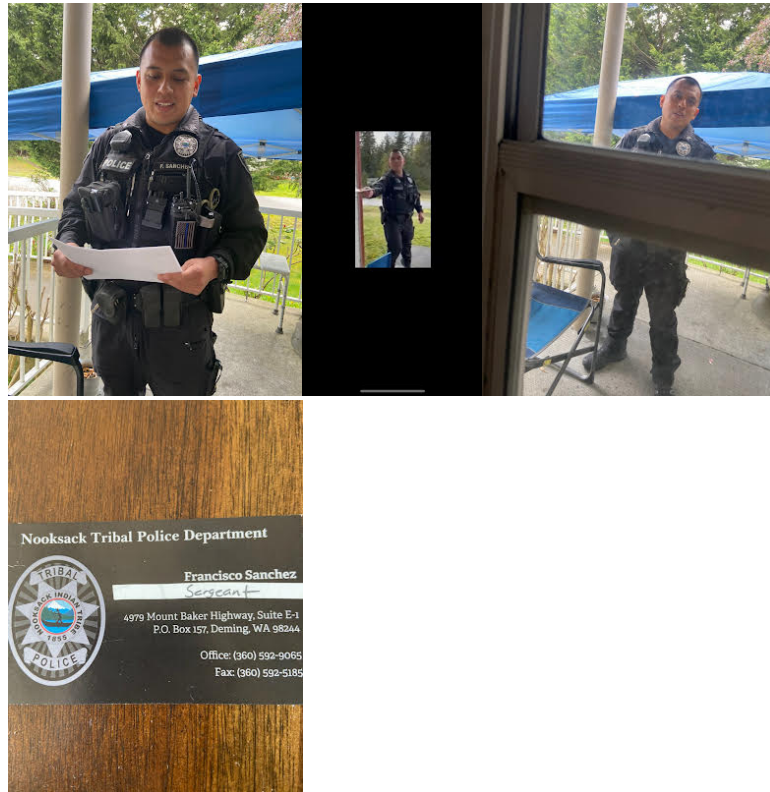
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On Tue, Apr 26, 2022 at 5:52 PM Gabe Galanda <[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

All:

Nooksack cops have returned to my clients' homes tonight to serve 14-day notices to vacate. 86 year-old Olive Oshiro and 74 year-old Norma Aldredge were among those who were personally served with notices. It is not too late for the Biden Administration to do what is right. Indigenous human rights should not be "just words" in this country.



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On Thu, Apr 21, 2022 at 10:47 AM Gabe Galanda

<[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Libby, ASIA Newland, Assistant Secretary Frechette:

Last night ABC Nightly News featured our Nooksack clients' horrific story of domestic Indigenous human rights abuse. The story featured the UN's call upon the Biden administration to halt the evictions--a call that has thus far gone unanswered by the White House.

The story also includes an admission by the Tribe that our clients' impending evictions are based on their purported disenrollment in 2016. Those actions were specifically invalidated by PDAS Lawrence Roberts in November of 2016 and called a "sham" in federal district court by the DOJ, specifically AUSA Brian Kipnis, in 2017.

There is no good cause for our clients' evictions today. The United States should honor its own words and halt these evictions at once.

<https://abcnews.go.com/US/native-americans-facing-disenrollment-fight-remain-tribes/story?id=84162385>

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On Tue, Apr 12, 2022 at 6:29 PM Gabe Galanda  
<[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Libby, ASIA Newland, Assistant Secretary Frechette:

Eighty-six year-old Olive "Ollie" Oshiro is currently battling pneumonia. Her administrative eviction hearing was originally scheduled for tomorrow, April 13. Her daughter Liz attempted to reschedule the hearing. Instead of a rescheduled hearing, Ollie received the attached decision affirming her eviction today. It is pre-dated for tomorrow, April 13. In other words, the decision was predetermined. This is not due process. Nor is it tribal sovereignty.

It is not too late for the White House and Biden Administration to do what is right.

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On Tue, Apr 5, 2022 at 12:57 PM Gabe Galanda  
<[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
Libby, ASIA Newland, Assistant Secretary Frechette:

Please be advised that our latest efforts to represent Nooksack evictees in Tribal Court have been "REJECTED."

Not only was our appearance notice "REJECTED" for Sat Javier, who faces eviction on April 20, but the Nooksack Appeals Court ruling that affirms my firm's right to practice law at Nooksack was also "REJECTED." That Nooksack Appeals Court ruling was affirmed by Interior PDAS Lawrence Roberts in October of 2016.

Our clients are unable to find any other counsel because Nooksack Tribal politicians refuse to license and authorize any lawyer who is potentially adverse to them, to do business and practice law at Nooksack. This deprivation of the right to counsel of one's choosing is in fact a due process violation.

It is still not too late for the Federal Family to do something to halt this gross subversion of justice.

**Gabriel S. Galanda**

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On Sun, Apr 3, 2022 at 12:32 PM Gabe Galanda

<[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Libby, ASIA Newland, Assistant Secretary Frechette:

We have located the U.S. State Department's February 24, 2022 response on the U.N.'s website. We are disappointed but not surprised by the U.S.'s tact--i.e., denouncing the evictions but not pledging to halt them--yet dismayed that the U.S. did not take the time to address the SRs' core factual findings or international legal conclusions.

The Biden Administration's citation to "the U.S. cooperative federalism system" and "Tribal sovereignty" to justify its demurral in the face of atrocious domestic Indigenous human rights violation, shows a remarkable callousness to Indigenous humanity in America.

To quote one client's reaction to the State Department's response: "When it comes right down to it, Indigenous American lives don't matter in this country."

Unless the U.S. does something to spare the remaining 19 households from eviction, this moment may mark an over-correction in federal Indian "self-determination" policy.

Time is running short, with the next eviction slated for April 20, 2022, but it is not too late for the Biden Administration to fulfill its moral trust responsibility.

**We, therefore, again call upon the Biden Administration and Washington Congressional Delegation to extend some form of "carrot" to the new Nooksack Chairwoman and Council as part of peace talks that could bring global resolution to this local human rights calamity.**

Against that backdrop, please realize that the State Department did not address these core findings by the U.N.:

[T]hese 21 families have been denied the opportunity to challenge the decisions on their evictions in the tribal court, which effectively denied them access to justice and legal protection against forced evictions. It appears that these evictions may lack legal basis, as the only justification given is the revocation of tribal membership for the persons belonging to these 21 families, which have been successfully challenged in the Nooksack Tribal Court in 2014, in the Nooksack Court of Appeals in 2016, and by the U.S. Federal Department of Justice in 2017.

Nor did the State Department address the U.N.'s core assertion that the human right to adequate housing "enshrined in" the Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights, is being violated at Nooksack. While citing the U.N. Declaration on the Rights of Indigenous Peoples to affirm the group right of "Tribal sovereignty," nor did the State Department acknowledge the Declaration's affirmation of individual Indigenous human rights.

We have called upon the U.N. to follow up with the State Department.

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On Wed, Mar 30, 2022 at 12:16 PM Gabe Galanda

<[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

Libby, ASIA Newland, Assistant Secretary Frechette:

We understand the State Department has responded to the United Nations, which expects to publish that response along with the UN experts' February 1, 2022 submission to Secretary Bilkin this Friday.

We have not seen State's response but expect the Biden Administration will deplorate the Nooksack evictions but stop short of exercising its plenary authority over Indian affairs to stop the evictions. We predict domestic Indigenous human right protection will once again be abrogated by "tribal sovereignty" and "self-determination."

**We would be grateful if the White House, DOI, and HUD would at least be prepared to issue statements that further denounce the impending evictions.**

Cat Barril and her daughter have already been evicted from their home. Nineteen families remain under threat of eviction; seven of those nineteen, who are LIHTC homebuyers or should-be homeowners, are already in administrative or judicial eviction proceedings without any right to legal counsel.

**We would also be grateful if the Biden Administration would somehow respond to our idea of extending a "carrot" to Nooksack leadership as part of peace talks that could result in our 19 remaining clients being spared from eviction and end all litigation, now that there is a new Chair at Nooksack.**

Thus far the White House deflects to DOI and HUD, while DOI and HUD have demurred; the IRS deflects to the Washington State Housing Finance Commission; and the Washington State Governor deflects to the United States. Meanwhile, the Washington Delegation continues to reach out and "touch" all of those agencies.

We implore somebody within the federal family to take ownership of this issue. Please help protect Indigenous human rights and bring peace to Nooksack.

I'm saying there's a chance.

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On Thu, Mar 24, 2022 at 11:25 AM Gabe Galanda  
<[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:

All:

Today Mike Rabang, a 74 year-old widower suffering from dementia, had his administrative eviction "hearing." He, too, was denied any right to legal counsel.


A couple weeks ago, Mike went missing due to his dementia. Thankfully he was found.

Now he faces eviction from his LIHTC home of 16 years--the place of his and his wife's retirement and a place near where his daughter Michelle lives so he can be cared for as his mental faculties wane. He likely does not understand what is even happening to him and his daughter and brother Cisco.



I implore the Biden Administration and Washington Congressional Delegation to please do something. Whether carrot or stick, please do something. Please.



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On Mon, Mar 21, 2022 at 9:25 AM Gabe Galanda  
<[gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)> wrote:  
Libby, Assistant Secretaries Newland & Frechette:

Nooksack Chairman Ross Cline lost his re-election campaign on Saturday: <https://www.cascadiadaily.com/news/2022/mar/20/nooksack-chairman-loses-tribal-election/>.

His successor will be seated on April 1.

This development potentially opens the door for a diplomatic resolution to this dispute. Why wouldn't the new Chair want to bring peace and healing to Nooksack?

Because the "sticks" wielded by Interior/BIA and HUD/ONAP have not prevailed, I had already suggested that the Washington Delegation consider if a "carrot" could be extended to Nooksack leadership in some way that would prevent further evictions and bring global resolution to Nooksack housing and related controversy.

(Despite being a signatory to the 1855 Treaty of Point Elliott, it was not until 1973 when the U.S. began to fulfill its trust responsibility to Nooksack through federal recognition. Today the Tribe occupies only a 2-acre reservation, along with disparate off-reservation trust landholdings. Consider Nooksack land reacquisition and housing development opportunity.)

(DOJ recently issued a "justice" grant to the Tribe, HUD is already considering affording CARES Act/Rescue Plan micro-housing funding, and Rep. DelBene most recently secured a wellness clinic appropriation for the Tribe.)

The State Department's April 2 deadline to respond to the United Nations' demand that the evictions be halted, serves as further motivation for such an approach.

I continue to implore the Biden administration to do everything in its power to keep our 19 remaining households in house and home and resolve this domestic human rights travesty in a way that shows the United States to be a beacon of human rights protection, especially towards the country's first peoples.


Like my grandpa always taught me, "where there's a will, there's a way."

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