

CHAIRMAN'S REPORT

Tribal Court Affirms Tribal Election

As readers of Siletz News know, I have deliberately refrained from commenting on the controversy involving the tribe's Feb. 2, 2002, election. Although others have freely expressed their opinions about the election in Siletz News, I considered it to be inappropriate to comment while challenges to the election were being heard in Tribal Court.

I am pleased to report, however, that on April 29, the chief judge of the Siletz Tribal Court rendered his decision. He upheld the election, concluding that:

"... The election director and the Election Board conducted the 2002 Tribal Council election in a fair, honest, and professional manner. Their conduct and decision were in accordance with the Election Ordinance and the spirit of the law. Every qualified tribal member's vote was counted and there existed no evidence of fraud or illegal conduct ... It is the judgement of the Court that the petitioners' challenge to the 2002 election shall be dismissed and consequently, the results of the 2002 Tribal Council election are hereby affirmed."

The 11-page Finding of Fact, Conclusions, and Judgment reveals how careful the Tribal Court was in investigating every allegation made by the plaintiffs before making its decision.

I know the decision of the court will not satisfy everyone, however. Court decisions seldom do. But the Siletz Tribe is fortunate to have had a competent and impartial judge to hear this case. Unless the decision is appealed and reversed by a higher court, the decision stands.

I would like to say a word about the judge who heard the case and issued the decision. It was Calvin Gantenbein, who was appointed in early 1995 as judge pro tem and in July 1999 as chief judge of the Siletz Tribe. He came highly recommended through Northwest Indian Justice.

After graduating from Portland State University in 1970 with a bachelor of science degree in business and a



Chairman Delores Pigsley

minor in law enforcement, Judge Gantenbein received a doctor of jurisprudence in June 1974 from the Northwestern School of Law at Lewis & Clark College.

He worked his way through law school as a Portland police officer and as a uniformed police officer for Portland Public Schools. For 14 years, he was a practicing attorney in family and juvenile law, during which time he also served as judge pro tem for the Multnomah County District Court.

A summary of the court's decision can be found on page 1 in this issue of Siletz News.

David Hatch Appointed to Fill Council Vacancy

The Tribal Council appointed tribal member David Hatch to fill the vacancy created when councilman Gerald Ben resigned to accept the position of deputy regional director of the BIA. In making this appointment, the council exercised its responsibility and authority set forth in Section 6 Vacancies of the Siletz Constitution, which states:

"In the event that any elective tribal office becomes vacant between elections, the chairman shall recommend a person who meets the requirements of a candidate for that position to fill the vacancy. Such person shall assume office to serve the remainder of the term upon approval of the appointment by the Tribal Council."

We are pleased that Dave has agreed to serve again on the Siletz

Tribal Council. Please note that I used the word "again." This is because soon after the tribe was federally restored almost 25 years ago, Dave was appointed to serve on the Siletz Tribal Council.

At the time, Dave was a civil engineering student at Oregon State University, where he received a bachelor of arts degree in 1976 and a master's degree in 1978. As an appointed council member, he helped plan the community center when Government Hill was an undeveloped piece of tribal property.

Dave was featured in the April 2002 issue of the OSU alumni publication, the *Oregon Stater*. I would like to share with you excerpts from that article written by Michele Taylor. It will help you understand why the council appointed Dave to be a member:

"Twenty years ago, (David Hatch) formed the campus chapter of the American Indian Science and Engineering Society (AISES) to promote science careers to other Native Americans. He has been mentoring AISES students ever since ...

"In 1986, former OSU president John Byrne created the Board of Visitors to promote under-represented minorities. Dave joined the board and recommended (to Pres. Byrne) that the first minority office should be the Office of Indian Education. At that time, the Indian population was poorly represented and had a dismal success rate. Today, 85 percent of Native American students enrolled at OSU graduate.

"Dave states 'We have to educate the next generation because they are the ones who will make a difference.'

"Dave also lectures for the university's Native Americans in Marine and Space Sciences program as an environmentalist demonstrating the diversity of scientific careers. Last year, Dave created the Elakha Alliance, a non-profit organization that unites scientists from various disciplines (anthropologists, molecular biologists, wildlife biologists, and ecologists) to re-introduce sea otters to Oregon waters."

Excerpts from this article reveal that David is not only a professional engineer and scientist, he is committed to advancing the education of our Indian youth and has the skills with which to start innovative programs. We are pleased that he has agreed to serve once again on the Siletz Tribal Council.

Annual Government-to-Government Summit

The sixth annual Government-to-Government Summit between the tribes and state government was held at Spirit Mountain Casino in May. The conference once again brought together tribal and state officials, including state legislators, to discuss current issues affecting Indian tribes.

Although these summit conferences are only held annually, individual cluster groups meet periodically during the interim to tackle specific economic development, health, education, natural resources, and cultural resources issues.

The Government-to-Government Summit is a legacy of Gov. John Kitzhaber, who leaves office at the end of this term. It was his vision, expressed in his executive order issued more than six years ago, that the state of Oregon must recognize and deal with tribes as sovereigns on a government-to-government basis.

The Oregon Legislature performed a remarkable and significant act during the last legislative session. The House – by a vote of 55 yes, 2 against, and 2 absent – and the Senate – by a vote of 27 for and 2 absent – adopted S. 770, which codified the governor's Executive Order on State-Tribal Government-to-Government Relations.

Oregon has come a long way. We are indebted to former Gov. Vic Atiyeh for creating the Oregon Commission on Indian Services, a legislatively established entity that is still viable today. And we deeply appreciate Gov. Kitzhaber for his commitment to the principle of tribal sovereignty and for establishing a process by which tribes and the state of Oregon can deal with each other on a government-to-government basis.