

VICE CHAIRMAN'S REPORT

NIGA Trade Show and Convention

Ever since planning for a gaming enterprise began more than 10 years ago, the Siletz Tribe has been an active member of the National Indian Gaming Association (NIGA). Throughout that time, I was privileged to serve as the Siletz Tribe's representative to NIGA.

In that capacity, I had the opportunity of working with NIGA officials and other tribal representatives from the Northwest and across the country on a wide variety of critical Indian gaming issues.

For the past three years, I served as the alternate representative/Executive

Board member of NIGA from the Northwest region, which includes the states of Washington, Idaho, and Oregon. I had the opportunity of becoming acquainted with and discussing national Indian gaming issues not only with NIGA officials, but also with tribal representatives from throughout the Northwest.

On April 7, NIGA held its election of officers. I appreciate the confidence Northwest tribes had in electing me, this time as the regional representative, which automatically puts me on the NIGA Executive Board. I was told that my election was the result of my long-standing involvement with NIGA and my dedication to the cause of Indian gaming.



Vice Chairman Jessie Davis

I will do my very best to be worthy of that confidence.

I also was active last year in helping to form the Oregon Gaming Alliance. It's composed of all Oregon gaming tribes, addresses Oregon gaming issues, and will coordinate with and be supportive of NIGA on national Indian gaming issues.

Oregon Gaming Alliance

The gaming alliance tribes have been taking turns hosting monthly meetings. We continue to work on getting our bylaws passed by the individual Tribal Councils. We also are working on developing an RFP (request for proposal) on the economic impact that tribal gaming has had in Oregon.

Jane John and I are the representatives from Siletz to this gaming alliance.

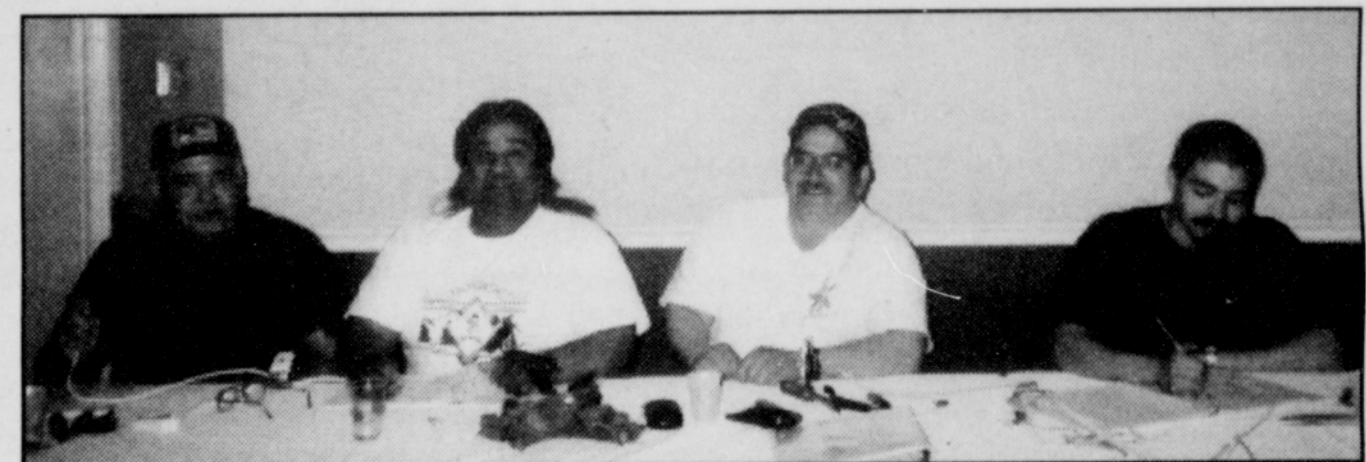
At the meeting in April, I was elected chairman of the gaming alliance. Gary George (Umatilla) was elected vice-chairman and Bob Garcia (Coos, Siuslaw, and Lower Umpqua) was elected secretary/treasurer.

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On May 16-20, the Siletz Tribe will host the Affiliated Tribes of Northwest Indians' quarterly meeting at Chinook Winds Casino. At least 300 representatives from Oregon, Washington, Montana, and Idaho will attend.



Siletz residents enjoy great weather during the Easter egg hunt at the Siletz Tribal Community Center.



Arlen Kentta, Bristo Bayya, Lenny Simmons, and Brandon Hammett attend a weeklong electrical and plumbing class in Las Vegas in March.

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time and commitment of being on the Tribal Council is such that full-time employment would hinder them in fulfilling their council duties.

Opinion

Freedom of speech is a constitutionally protected right, which has been defined by courts to include a citizen's right to participate in the political life of his community. This right is protected by the United States' Constitution, but it is not directly addressed in the Siletz Constitution.

However, the Indian Civil Rights Act prohibits any Indian tribe from exercising their powers of self-government from making or enforcing any law prohibiting or abridging the freedom of speech. This prohibition is not absolute. The tribe could restrict this

right where there is a showing that there is a compelling interest involving the efficiency, integrity, discipline, or a clear public interest, which would be placed in jeopardy.

The general rule is that all laws are to be presumed constitutional absent a strong showing to the contrary. However, when interpreting statutes restricting freedom of speech issues, this presumption does not apply, since free speech is so important in a democracy.

The ordinances, resolutions, and policies can prevail only if it can be shown that a compelling interest is at risk that cannot be protected or corrected by restrictions that are narrowly drawn. The prohibition against all tribal employees from holding elective tribal offices is tantamount to hunting mice with an

elephant gun. It is an overkill. Any potential conflicts or ethical concerns are easily controlled or avoided by the ethic codes. The argument on the time commitment is disingenuous. Several of the past and present Tribal Council members have worked full time for non-tribal employers. The issue of time commitment should be left up to the candidates and the electorate. Lastly, the fact that these ordinances, resolutions, and policies have been in effect since 1982 has no bearing on the issue of their validity. An unlawful law is unlawful regardless of the length of its existence.

The ultimate authority of the tribe rests with General Council and the Constitution. Only the General Council has the authority to make qualifications or place restrictions on candidates for Tribal Council. The Tribal Council has

no such authority and any attempt to do so is unlawful and unconstitutional.

Therefore, it is hereby ordered that the following ordinances and policies are ruled unlawful and unconstitutional:

- The Tribal Council Ethics Ordinance, Section 3.006, (d)
- The Personnel Manual of the Siletz Tribe, Section I.604.9
- The Annual Plan of Operations Manual of the Tribe, Section 416.11
- The Tribal Election Ordinance, Section 2.49

DATED this 30th day of March 2004.

Calvin E. Gantenbein, Chief Judge
Siletz Tribal Court