Restoration, con't from page 1

Clearly, the proponents of termination failed abysmally to understand just how deeply the attributes of culture and tribalism were imbedded in the lives of these Indian people.

Today, we are all happily aware that the tribes were successful in their political campaign to gain restoration. This effort was strengthened by the fact that Congress had earlier enacted restoration legislation for the Menominee Tribe of Wisconsin – effectively setting a favorable precedent to support the proposed Siletz restoration legislation.

Sen. Mark Hatfield, a ranking minority member on the Interior Committee, sponsored the Siletz restoration legislation and played a pivotal role in steering the legislation to passage by Congress.

The tribe's restoration campaign was successfully culminated on Nov. 18, 1977, when President Jimmy Carter signed Public Law 95-195 as an act of Congress. The act restored the Confederated Tribes of Siletz Indians as a federally recognized sovereign Indian tribe and brought them back from the dark and destructive days of termination into a brighter era of hope and opportunity.

Let us again note that Public Law 95-195 restored the tribe to a **sovereign Indian tribe status**, a status that embodies inherent sovereign powers of self-governance and self-determination. This status empowered the tribe to begin the governing process of rebuilding its standing as a tribe and to enhance the social, economic, and political status of its members

While termination of the Siletz Tribe's federal relations occurred during a destructive Indian policy era, restoration, on the other hand, brought it into a more enlightened public policy era.

Two noteworthy public policy actions gave rise to this circumstance:

- **First,** President Richard M. Nixon transmitted a positive message on Indian affairs to the Congress in the early 1970s, rejecting termination as a central feature of Indian policy, and proposing a new policy, "Self-Determination Without Termination." A legislative package to implement this proposed policy was sent to the Congress shortly thereafter. However, the legislation languished in the Congress due to lack of support from prominent Republican senators and congressman, who harbored serious philosophical disagreements with the Nixon proposal.
- **Second,** Henry M. Jackson – a powerful Democratic senator from Washington state and a former proponent of termination as national Indian policy – now agreed that termination was a failed policy. He, therefore, publicly renounced the termination of tribes' federal relations and committed his support for more enlightened policies. Sen. Jackson's new position on Indian policy carried substantial weight since he was chairman of the Senate Committee on Interior and Insular Affairs.

To tangibly and unequivocally demonstrate that his advocacy for a positive Indian policy was more than a rhetorical statement, Sen. Jackson used his leadership and influence to ensure enactment of an array of policy bills that ultimately changed the course of Indian affairs. Some of these public laws include:

- The Indian Self-Determination Act
- The Indian Finance Act
- The Indian Health Care Improvement Act, and
- The Menominee and Siletz Restoration Acts

This is now recognized as an era that saw more positive Indian policy legislation enacted into law than any other comparable era. Charles Trimble, executive director of the NCAI, characterized it as, "The Golden Era of Indian Affairs." The late Dr. Emery Johnson, director of the Indian Health Service, succinctly described the situation by stating, "President Nixon proposed a policy of Indian Self-Determination, but Sen. Jackson made it the law of the land."

The Siletz Tribal Council opted to assume control and management of Bureau of Indian Affairs and Indian Health Service programs and services. The council subsequently broadened its self-determination by taking over programs from other federal departments and agencies as well.

By exercising maximum self-determination, the council created jobs for its members and minimized a federal presence in its communities. Significantly, it was the council and tribal members that now made major decisions in shaping programmatic initiatives rather than faceless bureaucrats far removed from the realities of the Siletz communities.

The Siletz Tribal Council later made an investment of funds from its timber revenues to facilitate and speed up construction of a state-of-the art health clinic that serves tribal members and non-Indian citizens. The clinic is staffed by health professionals and supporting staff recruited by the tribe.

The clinic is eligible for Medicare and Medicaid third-party payments from both Indian and non-Indian patients, thus strengthening its operations.

Tribal funds have also been dedicated to support cultural activities to help tribal members better understand tribal history and culture; and to special programs and activities for tribal seniors to make their elder years fulfilling and enjoyable experiences.

Today, the Siletz Tribe is recognized as a leader by fellow tribes and federal officials for its foresight and courage to fully exercise self-determination in management of federal programs and services designed to improve the quality of life of tribal members. The full range of federal funds managed by the Tribal Council today is in the millions of dollars.

The Tribal Council made a significant decision in the late 1980s to exercise its sovereign powers to engage in gaming. Its right to engage in gaming had been recently affirmed by a landmark Supreme Court Decision in 1987 (California vs. Cabazon) when it ruled that tribes' inherent sovereign powers upheld their right to engage in gaming, exclusive of state control and jurisdiction.

Pressures from states motivated Congress to enact the Indian Gaming Regulatory Act in 1988. The act modified tribal sovereignty by requiring tribes operating casino-type gaming to enter into compacts with states to develop regulatory measures.

It must be understood that it is the tribes' inherent sovereign powers that give them the right to engage in gaming and not the Indian Gaming Regulatory Act. This act merely established certain regulatory conditions that must be met by tribes to engage in casino-type gaming.

The Siletz Tribe's decision to engage in gaming served as a springboard that was to catapult it to an unforeseen economic level that today benefits tribal members and non-Indian people. The new-found gaming revenues have made the tribe a major economic force in Lincoln County by virtue of becoming the largest employer in the county and the multiplier effect of gaming revenues on scores of business entities throughout the area.

A recent news article on the Siletz Tribe's 29th Annual Restoration Celebration lays out a chronology of gaming-related developments by the tribe as follows:

- Chinook Winds Casino in Lincoln City opened in May 1995.
- In June 2004, the Siletz Tribe purchased the Shilo Inn adjacent to the casino and opened Chinook Winds Casino Resort.
- Chinook Winds Golf Resort opened in April 2005 when the tribe purchased the former Lake-side Golf and Fitness Center in Lincoln City.
- The combination of tribal employees and those at Chinook Winds Casino Resort has allowed the Siletz Tribe to become the largest employer in Lincoln County.

Gaming funds have also allowed the tribe to diversify its tribal economy by developing other ventures, including two RV parks, one in Lincoln City and the other in Salem. The tribe has donated generously from its Siletz Tribal Charitable Contribution Fund to numerous community non-Indian projects.

Gaming funds have now allowed the tribe to acquire assets that today are easily valued in the millions of dollars. This is a remarkable accomplishment by a tribe that was virtually destitute prior to restoration, and it represents a remarkable economic turnaround in a relatively short period of time.

Challenges

While the Siletz economic turnaround, fueled by gaming funds, has resulted in notable improvements in the quality of life of tribal members, it has also raised major challenges that must be met head-on to ensure stability of the Siletz economy. Let us examine illustrative examples.

Syndrome of False Expectations. Both the tribal leadership and membership must accept the reality that there is no endless supply of gaming funds that will permit the tribe to spend recklessly to the point where it will jeopardize its gaming economy.

The shape and contours of legal casino gaming in Chinook Winds Casino will undoubtedly reach an optimal level sometime in the future and this reality will set a cap on gaming revenue. Therefore, the tribal leadership must be prepared to frame its budgets and outlay carefully to live within its available gaming revenue.

Moreover, outside forces could negatively influence Indian gaming nationally, which would result in a **decline** in gaming revenues at Siletz. Fortunately, though, defensive measures can be taken to avert this circumstance.

Equitable Division of Gaming Income. While gaming has brought an infusion of increased funds to the tribe, it immediately raises the question on how these funds should be allocated, and in the course of events it was inevitable that some members would seek to have a share dedicated to per capita payments.

The sharing of tribal wealth among the membership is not a new phenomenon in Indian affairs. But what is new is the responsibility it imposes on tribal leadership to frame an equitable division of income that will maintain sound governance, support an array of social services, promote economic diversity, and still provide for a level of per capita payments based on a credible allocation plan.

I submit that one of the greatest internal challenges facing gaming tribes today is the ability to strike this balance in the allocation process that will, above all else, protect the gaming enterprises, the economic vehicles that have generated this new-found wealth.

It is my understanding that the Siletz Tribal leaders and membership have faced this challenge head-on and have developed a policy for allocation of gaming revenues, including a share for per capita payments that conforms to the standards established under the Indian Gaming Regulatory Act.

However, given the nature of the per capita payment process, I submit that at some future date, pressures will be exerted on tribal leadership to in-