

# CHAIRMAN'S REPORT

## About the Restoration Day Celebration

Once again, Forrest Gerard gave us a lot to think about. He not only recalled the devastating consequences of termination of the 1950s, he also reminded us how the Siletz Tribe retained its sovereignty and was successfully restored as a federally recognized tribe 29 years ago.

He also pointed out the critical challenges that lay before us. Whether you were in attendance or not, I strongly recommend reviewing highlights of Forrest's important Restoration Day comments starting on page 1 in this issue of *Siletz News*.

From The Lord's Prayer by Siletz Royalty, the delightful singing by the preschoolers to the moving performance by our Siletz traditional dancers and the rousing pow-wow, our 29<sup>th</sup> celebration was again an event to be remembered and treasured.

Finally, in regards to Restoration Day, a personal incident occurred for which I would like to take this opportunity to express my appreciation. For someone who has no hesitation to speak on public occasions, I was taken by surprise and made completely speechless.

I was recognized and showered with gifts for my years of service to the Siletz Tribe. I need to let everyone know how happy I was for being recognized but deeply humbled at the same time. I only hope that during my 30 years of service, I helped contribute to the progress of the Siletz Tribe.



Delores Pigsley

## Tribal Council/Tribal Member Communications

"We don't know what's going on" is an often-heard complaint by some tribal members. Another one is they are "kept in the dark."

As hard as we Tribal Council members try, we might not always succeed in keeping our members adequately informed. On the other hand, some tribal members often keep themselves in the dark by not taking full advantage of the many opportunities that are available to them to learn about Tribal Council actions.

There are several opportunities to learn about what is going on. One way is by attending the monthly council meet-

ings, where tribal projects and issues are discussed. Tribal members can, at the appropriate time on the meeting's agenda, ask questions and express their views.

Even tribal members who are unable to attend these meetings can keep abreast of projects and issues. Every meeting is recorded and any tribal member can, by request, get copies of the approved Tribal Council minutes.

Another way of learning what is going on is by attending the quarterly General Council meetings, which are not only recorded, but the minutes are published in *Nesika Illahee*, the tribe's confidential newsletter. Whether you attend the meetings or are unable to attend, the proceedings in one form or another are made available for the benefit of all tribal members.

Another way of learning about the tribe is by using your personal computers, which have been issued to every tribal household. Our tribal staff has been doing a fine job of keeping the Siletz Tribal Web site updated. I strongly urge all tribal members to make use of your computers by visiting the tribe's Web site for interesting and valuable information about our tribe.

One way that I, personally, try to keep our members informed is by my chairman's reports that are published monthly in *Siletz News*. You also are invited to call me, or any Tribal Council member, on the phone to ask questions or to express your views on any matters that are of concern to you.

Finally, if you have any suggestions as to how we can strengthen our communications, don't hesitate to let me know.

## NIGC - No Authority to Regulate Class III Gaming

Franklin Ducheneaux, who served as the Siletz Tribe's consultant for many years before retiring two years ago, always maintained that the National Indian Gaming Commission (NIGC) has no regulatory authority over Class III Indian gaming.

Class III gaming includes most conventional forms of casino gaming, such as slot machines, roulette, and blackjack. The Siletz Tribal Council has always operated on the belief that NIGC has no jurisdiction over Class III gaming, though that position has been difficult to maintain whenever a dispute with NIGC arose over this issue.

Franklin knew what he was talking about. As a member of the Legislative Committee on Indian Affairs, he played a major role in writing the Indian Gaming Regulatory Act (IGRA) - an act that defines the three classes of Indian gaming. He consistently contended, but NIGC officials just as consistently disputed, his claim that it was the states under tribal/state compacts that had the authority to regulate Class III gaming.

He maintained that only Class II gaming, which includes bingo, non-banking card games and pull tabs, lotto, and other games similar to bingo is within the regulatory authority of the

NIGC. Class I games, such as traditional Indian hand games, which are played on Indian lands, are within the exclusive jurisdiction of Indian tribes and are not subject to IGRA.

It was the Colorado River Indian Tribes that contested the NIGC's "authority to promulgate regulations establishing mandatory operating procedures for certain kinds of gambling in tribal casinos."

The tribe's Blue Water Resort and Casino was operating Class II and Class III gaming and was regulating its casino "pursuant to a tribal ordinance and rules contained in a tribal-state Class III gaming compact with the state of Arizona."

In 1999 the NIGC promulgated regulations that it termed Minimum Internal Control Standards (MICS) governing both Class II and Class III gaming, a document containing 80 pages published in the Code of Federal Regulations.

In January 2001 when the NIGC attempted to audit the tribe's Class III gaming to determine whether it was complying with the MICS, the tribe protested "on the grounds that the rules exceeded the commission's authority."

The commission issued a notice of violation and fined the tribe. The tribe filed suit in federal district court, which ruled that "Congress did not intend to give such broad authority to the commission," and therefore vacated the commission's decision and declared the regulations unlawful as applied to Class III gaming.

On Sept. 8, 2006, the commission argued the decision of the U.S. District Court before the U.S. Court of Appeals for the District of Columbia.

On Oct. 26, 2006, after listening to the arguments advanced by the attorneys for the commission, the Court of Appeals found no statutory basis upon which the commission was empowered to regulate Class III gaming.

As far as the Siletz Tribe is concerned, the court decision has very little effect on our gaming operations except that NIGC cannot be as intrusive as it has been.

With NIGC exercising regulatory oversight over our Class II gaming, the state having regulatory responsibilities over our Class III gaming operations in accordance with our tribal-state gaming compact, and regulatory functions performed by the tribe's Gaming Regulatory Agency and Gaming Commission, the Siletz Tribe's gaming operation is more than adequately regulated. Compared with non-tribal casinos, we are highly regulated.

Although NIGC no longer has the authority to regulate Class III gaming, I believe it's in the tribe's best interest to make sure that our Class II and III gaming operations are efficiently and adequately regulated. Anti-Indian gaming forces are still out there, dedicated to undermining Indian gaming based at least partly on the myth that Indian gaming is inadequately regulated.

## 2007 Standing Committee Applications Due

Deadline for consideration for 2007 committees is Jan. 31, 2007

Any tribal member interested in serving on a committee for a **two-year term** must fill out the following form and return it to the address below prior to Jan. 31, 2007, to be considered for the following committees.

Please mail or fax your application to Confederated Tribes of Siletz Indians, **Attn: Executive Secretary to Tribal Council**, P.O. Box 549, Siletz, OR 97380-0549; Fax: 541-444-8325.

Name: \_\_\_\_\_ Roll No: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: Day ( ) \_\_\_\_\_ Evening ( ) \_\_\_\_\_

Choose the first, second, and third choice of committees you are requesting by numbering your preference 1, 2, 3 in the space provided. If you only want to request one committee, please indicate this by inserting the number 1.

**Committee appointments are for a two-year term.**

\_\_\_\_ Education Committee (3)      \_\_\_\_ Housing Committee (3)  
\_\_\_\_ Natural Resources Committee (3)      \_\_\_\_ Pow-Wow Committee (no limit)  
\_\_\_\_ Health Committee (3)      \_\_\_\_ Budget Committee (1)  
\_\_\_\_ Cultural Heritage Committee (3)

Tribal Council will review applications and approve appointments at the Regular Tribal Council meeting in February 2007. If you have any questions, please call Tami Miner at 1-800-922-1399, ext. 1203, or 541-444-8203.