

Information on Constitutional Amendment Election

by Robert Kentta, Tribal Council Member

By the time this gets printed, many of you already will have sent your ballots in. For those who have not gotten around to filling out their ballot or have been waiting for additional information before voting, I hope this serves the purpose.

At a recent council meeting, I expressed as a concern that many Tribal members seemed to be asking questions or were unsure about the intentions or ultimate effects of each of the proposed amendments. I asked if an article could be included in the May issue of *Siletz News* to try to get additional information about the proposed amendments to our membership before the last two weeks of the voting period. I raised the question and I was delegated to write the article.

I have heard that a few Tribal members have been highly vocal and critical of the proposed amendments, though I'm not sure why. A relative sent a letter to some of our family members, but the arguments against the proposed amendments did not make sense to me. My concern was that a sufficient number of Tribal members were going to hear the criticisms and without further studying the issue, just vote a blanket no. Please consider what I have to say about each of the proposed amendments.

First Proposed Amendment

There are four proposed amendments to the wording in our Constitution. The first is an effort to have our correct history and rights declared within our Constitution, thereby also declaring the United States of America's obligations to our people under the treaty agreements that cre-

ated our confederation, our original reservation and thereby our rights upon that original reservation, which include health care and education funding, and other trust responsibilities.

If included in our Constitution, it would bolster our ability to cite these documents (seven ratified treaties, one unratified treaty and the 1855 executive order that established the original Siletz Reservation) as foundations of our right to exist as the Confederated Tribes of Siletz Indians and be recognized as a government to which the United States has ongoing treaty obligations, and rights that our people have rights confirmed within.

Second Proposed Amendment

The second proposed amendment is to remove the language that places secretarial (U.S. Secretary of the Interior Department) authority over our Siletz Tribal Constitution (promulgation of rules and regulations for us to follow, his duty to call an amendment election – when asked by a simple majority of the Siletz Tribal Council, etc.).

The proposed amendment removes the authority of the United States over our Siletz Tribal Constitution and constitutional amendment processes. It replaces that with Tribal authority (under Siletz Tribal law) to manage those issues and exercises in sovereignty ourselves, thereby increasing our tribal sovereignty.

The proposed language also would make it more difficult under the new process for Tribal Council to refer future proposed amendments to the membership for a vote. The current language says that a simple majority vote of the

elected members of the Tribal Council can refer a proposed amendment to the membership for a vote.

In our Tribal law, any resolution can be passed by simple majority, unless it's going to create or amend a Tribal ordinance (an ordinance being like a code or larger body of policy/regulations). Ordinances can only be established or amended by at least a 2/3 vote of the Tribal Council. The proposed amendment would make the Tribal Council's ability to refer constitutional amendments to a vote consistent with how ordinances are treated, recognizing the importance of the Constitution and that it shouldn't be opened to amendment frivolously.

Third Proposed Amendment

The third proposed amendment involves removal of language that was an archaic rule (which no longer is practiced by the BIA) under the 1934 Indian Reorganization Act (IRA – also known as the Howard-Wheeler Act).

The U.S. government wanted to assert certain rights over Tribes when the act was passed and so the act said Tribes that agreed to the provisions of the IRA (to adopt constitutional governments under the IRA) agreed to have their contracts with attorneys reviewed and approved by the Department of the Interior (BIA).

The review and approval of attorney contracts was purported to be to protect tribes from unscrupulous lawyers, but I believe – at least in part – it was an attempt to influence Tribal choices of legal representation because of Indian claims cases in the U.S. courts and have certain attorneys (who were

tough on the U.S.) discouraged from practicing law on behalf of Tribes.

The BIA moved away from attorney contract approval many years ago. Congress eventually took action in agreement and six or seven years ago amended law to remove U.S. authority over Tribal attorney contracts.

The provision for it was at the time of Siletz Restoration necessary to be restored as an "IRA Tribe;" contracts were reviewed and approved by the U.S. at that time. They no longer do so, the law that required it has been amended and we should remove it to increase tribal sovereignty and take out language now not reflective of U.S. Indian law.

Fourth Proposed Amendment

The last proposed amendment will correct a couple of typographical errors that occurred many years ago. Our law is that Tribal members at least 18 years of age are eligible to run for Tribal Council. The language in the Constitution somehow mistakenly got printed as "19." The second correction is to insert the word "by" in the third sentence of the third paragraph of the Constitution to make it grammatically correct.

I hope I have answered any questions you might have had about the proposed amendments. I believe they are all good and necessary changes in language that promote our best interests as members of the Confederated Tribes of Siletz Indians and our future generations, and memorialize our ancestors who came together upon the Siletz Reservation to form the Confederated Tribes of Siletz Indians.

Thanks for your time.

General Council Meeting

May 3, 2008

Siletz Tribal Community Center

Siletz, Oregon

Agenda

1 p.m. Call to Order
 Invocation
 Flag Salute
 Programs:
 Head Start
 Death Benefits
 Tribal Member Concerns
 Chairman's Report
 Announcements
 4 p.m. Adjourn

Memorial Day Ceremony

May 26, 2008
 11 a.m.

Government Hill
 Siletz, Oregon

Procession to Veterans Memorial
 Honor Guard

Invocation
 Welcome – Delores Pigsley
 The Lord's Prayer – Siletz Royalty
 Memorial Day Address
 Presentation of Flowers
 Gun Salute – Honor Guard
 Taps

Closing

Lunch at the
 Tribal Community Center
 Provided by the Cultural Heritage
 Committee – Noon

Nuu-wee-ya'

(our words)

Introduction to the Athabaskan Language

Open to Tribal members of all ages

Siletz

Siletz Tribal Community Center

May 6 – 6 p.m. to 8 p.m.

June 10 – 6 p.m. to 8 p.m.

Salem

Salem Area Office

May 13 – 6 p.m. to 8 p.m.

June 3 – 6 p.m. to 8 p.m.

Portland

Portland Area Office

May 12 – 6 p.m. to 8 p.m.

June 9 – 6 p.m. to 8 p.m.

Eugene

Eugene Area Office

May 5 – 6 p.m. to 8 p.m.

June 2 – 6 p.m. to 8 p.m.

Athabaskan Language class started for beginners in January 2008. These classes began with basic instruction and will progress over the next year. It also will be a refresher course for those more-advanced students. Come and join other members of your community and Tribe in learning to speak one of our ancient languages.

For more information, contact Bud Lane at the Siletz Culture Department at 541-444-8320 or 800-922-1399, ext. 1320; or e-mail budl@ctsi.nsn.us.