

"Land Acquisition," continued from p. 1

Asked about a time for such a resolution, Pearce said, "I don't think it will be decided this year."

Pearce stated that AuCoin was "always receptive to new ideas" and termed the land transfer an "idea worth pursuing," but studiously avoided discussing AuCoin's current stance on the proposal.

AuCoin is generally recognized among Western Oregon Indians as a thorn in the side of tribes seeking reservation lands. Before Siletz received its current 3,600 reservation, AuCoin reportedly engineered a settlement between the State of Oregon and the Tribe that severely limited tribal hunting and fishing rights.

When Senator Hatfield proposed deeding 15,000 acres to the newly restored Confederated Tribes of Grand Ronde, AuCoin made a counter proposal limiting the transfer to 5,000 acres.

With a hesitant sponsor and at least one practiced opponent, the Land Acquisition Bill's next hurdle will be approval by the Senate Select Committee on Indian Affairs.

In addition to the spotted owl issue, the following features of the bill appear likely to field discussion by the Committee:

Termination of B.I.A. Trust Responsibility:

The Tribe will have the option of excluding the transferred lands and current reservation lands from the "federal trust" status that governs most other economic resources of U.S. tribes.

This provision is the most innovative part of the legislation. If approved in its current form, the bill would allow the Tribe to manage the land and timber totally free from Bureau of Indian Affairs supervision. It would also free the B.I.A. from liability for any harmful "act or omission" committed by tribal officials responsible for managing the new lands.

The legislation provides that the Tribe can elect to switch tribal lands back to B.I.A. trust supervision after notifying the Secretary of the Interior and after waiting for one year.

Payment In Lieu of Taxes: The Tribe will pay 1.5% of money earned from the sale of timber to Lincoln County in the form of payments in lieu of taxes (PILT's). This percentage is considerably lower than the current 5% payments paid by the Tribe to Lincoln County but is still higher than PILT's paid by the Bureau of Land Management on the public domain lands up for transfer.

Limits on Log Exports: The Tribe would be required to "offer not less than 50% of the total sales volume for each year of timber harvested" to "United States firms that agree to use the timber purchased for production in the United States of wood products."

Tribal Court Notes

Tribal Court issued an order dated July 24, 1990 denying a motion to set aside a previous decision in TC 89-11. Chief Judge John Roe held that every decision of the Court, including preliminary decisions such as orders to deny a hearing on the merits, are final and not subject to review in any forum, including Tribal Court.

The original order, issued by Judge Diane Robertson, dismissed a petition filed by Andrew Viles which alleged that Tribal Council had made a final decision in executive session to suppress articles from the tribal newsletter in violation of constitutional protections that prohibit acts of conspiracy and governmental infringements of freedom of expression.

Tribal Court issued an order dated June 19, 1990 which determined that sufficient facts had been alleged in TC 90-12 to warrant a hearing on the merits. The case was filed by former tribal newsletter editor Andrew Viles as an appeal of his discharge from tribal employment. Viles alleges his firing violated guarantees of due process, freedom of speech, and equal opportunity to participate in the economic resources of the Tribe.

After several postponements, the hearing on the merits is currently scheduled for August 17, 1990 beginning at 10:30 in Tribal Community Center.

Judges John Roe, Betty Ungar and Diane Robertson were originally named to hear the case. But Judge Robertson, after being challenged by Viles, requested to be taken off the panel. Family and work involvements prevented the other three associate judges on the judges panel from hearing the case.

Faced with the options of hearing the case with two judges, hiring a third judge from outside the Tribe, or reducing the panel to a single judge, Chief Judge John Roe decided to hear the case alone.

Siletz News II is a quarterly publication devoted to the history and current affairs of the Confederated Tribes of Siletz Indians. Publication began in September, 1989 after the editor of the tribal newsletter was fired for refusing to follow an oral directive to censor the newsletter.

In January, 1990, the management of the *SNII* along with all past donations were turned over to the Siletz Free Press, Inc., a non-profit, tribal-member controlled organization located in Eugene, Oregon.

Subscriptions to this newsletter are available on a sliding-scale (\$2-20 per year) for individuals and for an institutional rate of \$25/year. Subscription includes mail-box delivery four times a year at 1st class postage rates. To date, 42 subscribers have contributed \$567.00 to our efforts. Production and delivery costs of the last three issues totalled \$587.52.

All work for this newsletter was provided by Andy Viles and other directors of the Siletz Free Press, Inc. on a volunteer basis.

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