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many tribal members.

Another threat to tribal member rights is a provision that gives Tribal Council the blanket power to escape judicial review. Under the Tribal Constitution, all governmental actions are subject to review by Tribal Court. The new ordinance, however, proposes to make "matters discussed in executive session" of Tribal Council off limits to judicial review. In other words, simply by convening a secret session, the Council will be able to avoid judicial scrutiny.

What if Tribal Council conducts illegal business in Executive Session? The provision, as it stands now, would make it illegal to disclose the illegality.

The provision appears to be an attempt by Tribal Council to place itself above the law. Tribal Court and tribal members, if the language of the ordinance becomes law, will be left with only one thought: "In Council We Trust."

With such an attitude, why pretend to have a Tribal Court at all?

More Crime to Fight

Dozens of acts that are apparently legal now may soon be outlawed by the Tribe under the proposed Criminal Code. For instance, a tribal member on tribal property could currently engage in "criminal impersonation" and have no worries about possible punishment. But in just a little while, these sorts of impersonations will land a person in jail, maybe.

And if a person gets thrown in jail, they will be under new laws as well. Right now, it seems, Siletz Indians in tribal jail have every right to leave. But with the new law coming in, inmates will have to break the law to escape. Or try to escape. Or even talk about escaping with another prisoner. But right now, of course, there is no tribal jail so the whole discussion seems sort of silly.

You get the idea reading the code that a tribal jail may soon be a reality. And it might well be populated by Siletz Indians (and other Indians who live on tribal lands) who are found guilty of "obstructing governmental administration," "hindering prosecution," "simulating legal process," "aiding unauthorized de-

parture," and "unlawfully using slugs."

Stinkbugs and rock throwers should also beware. If the Code is passed as written, people who are found to have intentionally created "an objectionable stench" could land in jail for thirty days. If you are apt to "knowingly throw" objects at aircraft, you should do it before the law goes in effect, or risk spending a year in jail and paying a fine of \$5,000.

All told, 160 acts will be outlawed by the Code, including murder, rape, kidnapping, manslaughter, assault, and arson. All these acts are "Class A" offenses, which carry the maximum tribal penalty of a year in jail, a \$5,000 fine. But so do other non-violent crimes such as perjury, computer crime, and my personal favorite: Promoting Gambling.

I should note, quickly, that some keen-sighted reviewer has already provided an exemption that will make it legal for tribal government to go forward with its proposed gaming center.

Peyote, however, did not fare as well.

Under the new code, peyote will be under a general prohibition—after the fashion of the State of Oregon—with no exemptions for its religious use. This means that members of the Native American Church may soon face the threat of imprisonment and fines for practicing their religion on Siletz tribal lands.

Offloading the Whiteman's Burden

These new laws may make lawyers feel good, but they're apt to prove a pain to others. Perhaps what we need is to remember a basic common law. We all know that the laws of the whiteman cannot be adopted wholesale by an Indian Tribe without a severe loss of memory and tradition.

Maybe Siletz Indians don't remember everything, but we do know what's right and what's wrong. And it is wrong when a bunch of lawyers convince a Tribe that they need to become more like the State of Oregon.

Siletz is not the State of Oregon. The trouble is that you wouldn't know it from looking at the proposed additions to Siletz tribal law.

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