

M I N U T E S

Clifford Case stated that he feels that the reasoning the fort was put there was to keep the Siletz from being there. The fort was put there because of the reservation system. Dee feels that this is very educational. She feels that this would allow us the opportunity to do our share in setting the history straight.

ONABEN

Patrick Barunda explained to the General Council that ONABEN provides training to start businesses which are owned by Native Americans. In 1987 there were only around 300 Indian owned businesses in Oregon. We are missing several millions of dollars that should be coming into our communities and that is the reason for ONABEN. The stock holders of ONABEN are the Confederated Tribes of Siletz, Grand Ronde, Klamath, Umatilla, and the Warm Springs Tribes. ONABEN would like to deliver services to the charter tribes all for the purpose of changing the number of Indian owned businesses in Oregon. The first year ONABEN worked with 125 people who wanted to start a business and from the 125 there were 25 people who actually started their own business. This is money coming into our communities. This year 125 people have taken the classes. If this continues there should be 25 to 40 new businesses. We need to understand what is required to start a new business and it is ONABEN'S responsibility to let our people know what it takes. In the ONABEN classes they develop a business plan and management plan. We need to stay competitive. A new class called Hot Shots includes people who have expertise in one area. OFS-ONABEN financial services is a micro-lending program. The lending is at about 12% right now, but they usually charge 2 to 5% over prime. They don't want to be a bank but they need to help you start a repayment history. This can help you get further services from banks.

JoAnn Miller asked who the ONABEN financial statement is reported to? - Patrick stated that the financial report is reported to the Board of Directors and Henry Downey is the Siletz Representative on the Board of Directors. Patrick stated that they meet every month in a sit down meeting and a conference call every other month. The ONABEN classes are well attended.

Lori Johnson stated that at the last presentation she asked about the grant application for women who were interested in staying home and having a small business. Patrick stated that they did not get the contract, but they are looking for other funding on the in home businesses.

Bensell stated that the opportunities are really wide for whatever interest is there.

Patrick stated that ONABEN encourages people to start a home base business. Academic classes have been started.

Dee stated she has heard interest in a daycare program.

Clifford Case asked where you go to see about getting funding? Patrick stated that funding is what the second class is designed to assist business owners to find funding.

Patrick stated that for anyone who is interested in taking the ONABEN class to call your local

tribal office and find out when the next class is going to be held. He stated that the first class is a fee of \$50 and the second class is \$100 which can be paid for by the tribe through adult education.

Clifford Case asked about having a business on trust lands to get away from paying the taxes? Patrick stated that this has been a barrier to getting financing in the past.

A Gentleman (did not get his name) stated that he had already went through the ONABEN class, but did not start a business. He stated that he already has a business plan and wanted to know if he would have to go through the class again? Patrick stated that if he had a plan that seemed sound to not start over but to continue from where he left off and start looking for financing.

Clifford suggested the Tribe getting into the loan business.

Bonnie Peterson stated that there is a lot of negativity within the Tribe at the Tribal Council meetings. She believes that we need to heal from our painful history because it has effected individuals and the strength of our Tribe as a whole. She stated that she has had a lot of pain in her life but she is not downing herself. She feels that she has learned from those experiences. She has met people through the years that have listened to her and talked with her about these experiences. She stated that we need to talk with our children about these things for our own healing. She stated that her son went through the alcohol and drugs but it only took him 2 years what took her 12 years. She wants to get over all of the hurts that may not even be hers, but possibly from her family. She does not feel that it is right to be tearing each other up and she has been fearful to attend the Council meetings because who is going to be ripped apart. She stated that we need to help one another and don't be fearful to say something to someone that needs the help because they need support. She stated that generationally she is getting better, but we need the courage to heal and she would like to see all the families do this.

Ron Hudson talked about character assassination that you don't expect from professionals. He has a memo from the Tribal Attorney directed to the Siletz Tribal Council for him to check into the misconduct of the Tribal Court. Ron stated the Tribal Attorney makes personal references and talks about second hand information on what he is using to utilize information. The Tribal Attorney makes assumptions that are bias and unprofessional. Ron stated that the Tribal Attorney looks at nothing objectively. Ron was asked by the majority of the General Council to read the memo aloud so they would know what it was about. The memo went as follows:

I have been asked to detail instances of what I consider to be misconduct of the Tribal Court in the pending election matter. Before I begin, I have to say that I do not think I have ever encountered judicial conduct as outrageous as that which has occurred in this case. This is saying something, because I have appeared in over 26 different State courts and 8 tribal courts, and I have been hometowned more times than I can count in difficult ICW cases. The conduct of the Siletz Tribal court in the present case exceeds those past experiences by a large degree.

Parties are entitled to fair treatment and respect before any court. There is not respect in the present tribal court for persons with whom the judge disagrees, or who are not part of the judge's clique or group. The court and certain parties are colluding in reaching a desired result. In my opinion, there is no possibility of a fair result from the present corps of judges.

Let me address some of the incidents I found particularly troublesome, starting with the beginning of this case:

1. A case begins with the filing of some kind of paper - a complaint or notice of appeal. The tribal court has gotten into the bad practice of hearing cases upon the filing of ex parte motions, as happened in this case. The problem with this practice is that it does not give the opposing party notice of what the complaining party is asking for. For example, I do not know what Pat Morrell's specific complaint is about the recent election, aside from not counting the ballots correctly.

Subsequent information is that Pat Morrell does not have a specific claim; she is engaging in a fishing expedition and looking for every little discrepancy she can find to bolster a claim to overturn the election (the rule of law in elections is that the court must engage in every reasonable inference to uphold the election: the fact that a minor discrepancy occurred is not evidence that fraud existed. There must be specific evidence of fraudulent intent.)

The other disturbing part about this motion is that it was filed, and granted, without any notice to me or the Tribe. The court has gotten to the point where it thinks it knows everything it needs to know about a case by talking outside the courtroom to one side, and rules without even hearing arguments from the other side.

2. When I finally heard second-hand about the case, I immediately filed several responses with the court. A week later I received a phone call from Mary Viles. She told me that Ken Blacketer had not sent her my responses and she did not know why. She asked me to fax all materials to her, which I did. I had filed several motions, challenging the bias of the court, the jurisdiction of the court, and the fact that the court had not followed its own rules. Mary Viles has never ruled on any of these motions.

In fact, I heard second-hand that Mary told someone that she would not rule on my motions. This statement appears to be true since there have been no ruling in the month since I filed them. Mary did not even address my motions at the March 7, 1995 hearing.

The reason I challenged the qualifications of all the judges was that all the Tribal Court judges are related to one or the other of the candidates. In addition, I have personally heard Mary Viles make statements against the incumbent Tribal Council members. At the impeachment hearing for Diane Robertson, I sat about 10 feet from Mary Viles. Several times when Chairman Pigsley, Vice-Chairman Davis, Secretary Fisher and Council member Phil Rilatos spoke, Mary Viles make the comments to the effect - "We