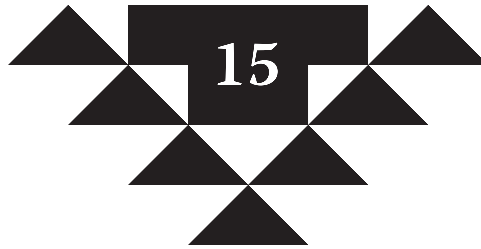


REBUILDING SOVEREIGNTY

"We will *survive."*

Rather than being an end in itself, restoration proved to be only a beginning. The tribe—its members scattered, most of its land taken, and its governing authority dormant for a quarter of a century—had to establish its identity and create a governing structure in a new time. Looking back, the tsunami that was termination left much wreckage for the Siletz Tribe of the 1980s, but the upheaval held out one great benefit: free of accumulated baggage and blessed with flexibility, the tribe could step back, assess the possibilities in the midst of the most progressive era for Indians in history, and craft institutions and priorities designed to fulfill the best dreams of its people.

Over time, an approach emerged. The highest calling of the Siletz Tribe is to preserve and restore the culture. The second is to rebuild and maintain a strong and compassionate sovereignty. The third, with the first two as the foundation, is to provide for the health, education, and financial well-being of the 4,500 tribal members. While inevitably there are many shortcomings and numerous advances still to be made, the Siletz Tribe has made progress beyond anyone's imagination on the day in 1980 when Siletz people and their friends celebrated the land return.

Nationally, modern Indian tribes are undergoing cultural revivals, socioeconomic conditions on reservations are improving, and tribal governments have become members of the community of governments in contemporary America. At the same time, the general populace has a limited understanding of modern Indian tribes. They ask how tribes can be sovereign governments.

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

Isn't that the role of the federal and state governments? Are there really very many Indians who still follow the traditional cultures? Why are tribes allowed to operate casinos? And where does the money go?

The evolution of the modern Siletz Tribe is a fascinating story of how a dispossessed people has, through its own resilience and creativity, wrought a reconstruction uniquely fitted to its own historical and contemporary circumstances. This has been done through a combination—at first blush, an unlikely one—of governmental excellence, traditional values, and wise entrepreneurship. No tribe, including the Siletz, has found all the answers, but by the early twenty-first century, it is fair to conclude that the Siletz and many other tribes may have put in place fundamental attitudes and institutions that will lead to the fulfillment of their ambitious goals.

Siletz people are clear that their tribe has little ownership of land under American law, that most of the aboriginal landscape and the treaty reservation have been wrested from tribal hands. Those realities are different from morality, though, and tribal members hold firm to a moral claim to the land their ancestors walked. Certainly there is an overwhelming sense of belonging. This is their place.

Most people go to Siletz country by car from the Portland area. You drive south on I-5 through the welcoming Willamette Valley, where Kalapuyas fired the grasses to encourage them to grow and where Siletz tribal families later picked hops after driving over the bumpy road from the reservation. At Salem you turn west on Route 22. Now in the foothills of the Coast Range, you take Route 18, the Salmon River Highway. This was the route taken by Coquelle Thompson Sr. and the other south Coast Indians in 1856 under the watchful eye of their military escort, after their confounding steamship voyage. Thompson's people found some respite when they reached the sea smells and the mouth of the Salmon River, so promising in scrumptious mussels and returning coho.

Route 18 goes past Spirit Mountain, the Grand Ronde Tribe's casino. The Lincoln County line lies about five miles farther on. About fourteen miles from the Coast at this point, this is the eastern border of the 1855 treaty reservation.

So far, the drive across the Coast Range has mostly been through private land, which has been heavily logged over, leaving patches of ground in differ-

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

ent stages—middle-aged trees 100 feet or taller, smaller growth, and stripped-bare hillsides. The trip down the west side of the range takes you through the Van Duzer Scenic Corridor, with its old-growth Douglas fir stands of the sort that blanketed the area for thousands of years.

Near the Coast, the modern highway bends south, away from the old route to the mouth of the Salmon. You find yourself on the outskirts of Lincoln City, every inch of which was once allotted land held by Siletz tribal members. When you enter the north end of town, the first thing you come to, on the beach side of the road, is the Siletz Tribe's Chinook Winds Casino Resort. It is Lincoln City's largest landmark and largest business as well.

Chinook Winds operates at something of a competitive disadvantage, since potential customers from the Portland area reach the Grand Ronde casino first and may eschew the additional thirty-minute drive to the Coast. The Siletz, however, seem to have struck a chord with billboards proclaiming "It's Better at the Beach." Also, it may have helped that *Native American Casino Magazine*—for reasons that remain unclear—named Chinook Winds the "Sexiest Casino in the Country." Chinook Winds is a force.

Since time immemorial, western Oregon tribes have played elaborate stick games and engaged in other forms of gambling, but Chinook Winds' direct origins are more recent, tracing to the 1970s when Indian tribes first asserted their right to engage in high-stakes gambling operations. The states immediately pounced, challenging tribal bingo halls and poker rooms on the grounds that they violated state laws and county ordinances (the states did in fact allow poker rooms and gaming operations run by churches and fraternal organizations, but the tribal laws allowed higher stakes and longer hours than their state counterparts). The tribes relied on the most basic proposition of federal Indian law: that, for most purposes, state laws do not reach onto Indian lands, where sovereign tribal laws govern.

The states, characterizing their attack on Indian gaming as a moral crusade, raided Indian bingo halls and shut them down. The Seminole Nation of Florida and the Morongo Tribe and Cabazon Band of Mission Indians of California prevailed in lower court rulings, which upheld tribal sovereignty. The much-watched cases from California went to the United States Supreme Court, which ruled for the tribes in a 1987 opinion. "Tribal sovereignty," the Court held, "is dependent on and subordinate to, only the federal government,

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

not the states." The opinion squarely addressed the importance of successful commercial ventures, such as gaming, to poverty-stricken tribes: "Self-determination and economic development are not within reach if Tribes cannot raise revenues and provide employment for their members."

States and non-Indian gaming interests, knowing that Congress could outlaw tribal gaming even if the states could not, proposed a ban on Indian gaming. In the end the national legislature, with Senators Daniel Inouye and John McCain and Congressman Morris Udall taking the lead, decided in the Indian Gaming Regulatory Act of 1988 to regulate tribal gaming but not prohibit it. IGRA provides that in most instances tribes have the "exclusive right" to regulate gaming on land under tribal jurisdiction, subject to federal oversight by the National Indian Gaming Regulatory Commission. In a provision that would later work to the Siletz Tribe's disadvantage, "Class III" operations—that is, casinos and other high-stakes ventures—are subject to tribal-state compacts, which IGRA required the states to negotiate in "good faith." The federal oversight in IGRA is rigorous but has preserved for tribes the opportunity to produce substantial revenues.

By 2008, annual gross revenues from tribal gaming nationally had soared to about $27 billion annually, a whopping figure, but still less than 30 percent of the national yield from gaming. Now almost a quarter of the states, many of which protested loudly and sanctimoniously against Indian gaming, allow casino gambling, and most states run their own large-scale lotteries to generate budget funds. Although the exact figure is not known, net revenues for all gaming tribes combined in 2007 were probably about one-third of the gross, or $8 billion for the year.

The 225 tribes that allow gaming fall into three groups. About 20 tribes raise roughly 40 percent of all Indian gaming revenues. Several—mostly near large metropolitan areas in New England, the Great Lakes area, and California—have small memberships, and per capita distributions to tribal members, which are subject to income taxation, reach six and even seven figures annually. Another group of a few dozen tribes in remote areas struggle to make any positive return at all, and some of them may eventually fail. (For those tribes, even though the bottom line may be flat or worse, the casinos are useful. With unemployment high, casino jobs are prized.)

The third group, by far the largest, is composed of tribes with casinos that show a net annual return of roughly $10-$25 million a year. This revenue stream is critical to those tribes, but not because of the modest per capita payments, which will not make any tribal members rich. Rather, the gaming pro-

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

ceeds go to governmental operations so that tribes can have a chance to reach their highest ideal—making their reservation true homelands. Casinos provide funding for health, education, housing, law and order, natural resource management, and the many other programs that make modern Indian tribes full-service governments. The Siletz Tribe is in this group.

By the late 1980s, the Siletz tribe was reeling financially. The tribal timberlands obtained through restoration were caught up in the forces crippling timber production all across Oregon: the weak economy drove demand down and concern for endangered species restricted harvesting of mature stands. BIA funding declined. Tribal Chairman Delores Pigsley put it starkly: "I was afraid the tribe would go bankrupt. I really was."

In 1991, with revenues weakening and facing budget deficits in some years, the tribal council began to examine gaming in light of the promising returns that some tribes were seeing. Council member Jessie Davis, the tribe's first chair of gaming, visited the Oneida casino in upstate New York, the Sycuan casino in San Diego, and the Shakopee Mdewakanton Sioux casinos in Minneapolis-St. Paul, where she witnessed tribes transforming "a few trailer houses" into "mega casinos."

The first Siletz effort was full of promise. The tribe purchased a sixteen-acre farm in Salem near the heavily traveled I-5 freeway through the Willamette Valley. Under IGRA, however, the tribe had to accomplish two things: the secretary of the Interior needed to take the land into trust and the Oregon governor, Barbara Roberts, had to approve the transfer into trust. The casino had support from Salem business interests but drew stiff opposition

Longtime tribal council member Jessie Davis played a leadership role in the establishment of Chinook Winds Casino. *Siletz Tribal Collection.*

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

from, as a federal study described it, "fear of competition" by operators of low-stakes bingo halls and poker rooms and "anti-Indian sentiment and moral resistance to any form of gaming." When the Salem City Council, which had initially supported the project, voted 5 to 4 against the casino, Governor Roberts announced her opposition and later refused to approve the land-into-trust transfer. In her view, the tribe should not operate a casino on acquired land beyond its reservation in the Siletz area. The Interior department, which favored the casino as a matter of policy, had no choice but to decline to take the land into trust. The tribe sued in federal court, to no avail.

The Siletz tribe turned to land in Lincoln City. While Governor Roberts was more favorably disposed toward the Coast proposal than the one on I-5 because it would be within the original Coast Reservation boundaries, the tribal council decided not to risk another defeat through the administrative channels. Instead, the tribe went directly to Congress to have the land taken into trust.

Bill Richardson, a congressman from New Mexico and supporter of tribal initiatives, sponsored the measure. Introduced in June 1994 and joined with several other Indian projects, the bill quickly passed the House. Senator Inouye carried the proposal in the Senate. Like many, Senator Hatfield opposed casino gambling as a general matter but recognized that Indian gaming involved special circumstances; he declined to co-sponsor the bill but supported it when it came to the floor. The legislation was signed into law on November 2, 1994. The tribe then completed negotiations on a compact with the state, signed by Governor Roberts, and the BIA took the land into trust.

Although the die was already cast, some local citizens and city officials objected to the new enterprise. Lincoln City, a long, thin town that hugs the coastline, had aspirations to expand its tourist potential and the casino raised worries that it would compete with tourism and further ensnarl the already congested stretch of the Oregon Coast Highway. Acknowledging that Chinook Winds might boost the economy, local bookstore owner Robert Portwood argued that "money isn't everything. This town has changed from being a small city to being a Newburg or McMinnville, a strip-city of fast-food outlets and malls. . . . I'd rather make less money and have a quieter town." For months, "No Casino" signs sprouted outside city council meetings and informational sessions about the casino.

In the years since the casino opened—a temporary facility began operation in May 1995, with the permanent casino starting up in June 1996—relations between the tribe and the town have markedly improved. Some of this is due

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

Chinook Winds Casino. *Siletz Tribal Collection.*

to Chinook Winds itself. While indisputably a gambling house, with a glittery, jingling ambiance, the casino welcomes visitors into an open atrium with plants and a 19-foot waterfall. Indian art and Siletz historic photographs are abundant, and the facility includes a 35,000-square-foot convention center with conference rooms named after tribes in the Siletz confederation. Since the casino's opening, the tribe has purchased and remodeled an adjacent ocean-front resort hotel and added an 18-hole golf course on the inland side of the highway.

In 2006, the *Newport News-Times* published a six-part, ten-year retrospective on Lincoln City's experience with Chinook Winds. The study concluded that, contrary to fears in the 1990s, the casino did not cause an increase in the crime rate, force restaurants out of business, drive up the price of property, or cause Lincoln City to be known as a "Casino Town." It was impossible to know whether traffic congestion had increased, the study reported, but the tribe had contributed $262,000 for planning designed to help alleviate the problems caused by the increased number of visitors. Since 1995, the tribe has paid Lincoln City $170,000 each year to compensate for municipal services related to the casino.

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

There can be no disputing the economic boon to the city. The *News-Times* article found that despite some continuing criticism to the contrary, "Clearly, people who come to the casino, whether as a primary stop or secondary one, spend their time and dollars elsewhere in Lincoln City. . . . It is impossible to say where or how much, but to say it isn't happening at all is not so much wrong as it is illogical." Local residents also benefit directly. Chinook Winds—the largest employer in Lincoln County along with the Georgia-Pacific timber mill in Toledo—has a workforce of more than 800 and generates an estimated 720 jobs indirectly, all at a time when the Coast's natural resource employment, especially in logging, has been steadily declining. The casino donates 5 percent of revenues, nearly $1 million a year, to charity. The Lincoln City Chamber of Commerce has twice honored Chinook Winds as "the Large Business of the Year."

The greatest contribution of Indian gaming to the Siletz has been what Jessie Davis and her fellow tribal members dreamed of from the beginning. Creating the casino, coupled with other management decisions, has brought financial stability to the tribe, helped fund a full-service government, and supported strong cultural and natural resources programs.

The allocation of net gaming revenues demonstrates the future-looking way that the tribe views gaming. Acknowledging that casino glitz is "untraditional," Chairman Pigsley emphasizes that it was "the only way we can get to where we want to go." She sees the casino as "a stepping stone, not an end in itself," and Siletz tribal members comment that they work on the assumption that gaming may not always be the resource it is now. As a result, by tribal ordinance, about one-third of net revenues go to investments and economic development in other ventures. Five percent is used for charitable contributions. The remainder goes to tribal government for programs, general assistance (welfare), and taxable per capita payments of about $1,000 a year for every tribal member (with elders receiving additional amounts). Casino funds, which make up more than one-third of the tribal budget, help support, among other things, full scholarships for all full-time students beyond high school; desktop computers for every tribal family and laptops for students; a cultural resources program that includes a repository for cultural artifacts, historic photographs, and documents; a fitness center and gym; special programs for elders; and a K-12 charter school that places a heavy emphasis on tribal culture and offers early college credits.

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

The journey from the business arm of the tribe to the seat of Siletz government takes you south through Lincoln City. You soon come to Siletz Bay, a wide, marshy estuary, open and tranquil with its light green reeds and salt marshes. It was here, on the seaward side of the bay, during the first—and dismal—winter of 1856 that the newly arrived and nearly starved Indians received yet another setback when a schooner bearing potatoes and flour bound for the reservation crashed at the entrance to the bay and lost its cargo.

Continuing south, after passing in and out of thick dark forests, you reach Yaquina Head, one of the largest juts into the Pacific of any landform on the Coast. Native people thrived at this site, full of power, the incessant waves pounding at the rocks. The shellfish, birds, seals, and sea lions—and their people's tenure there—must have seemed without end.

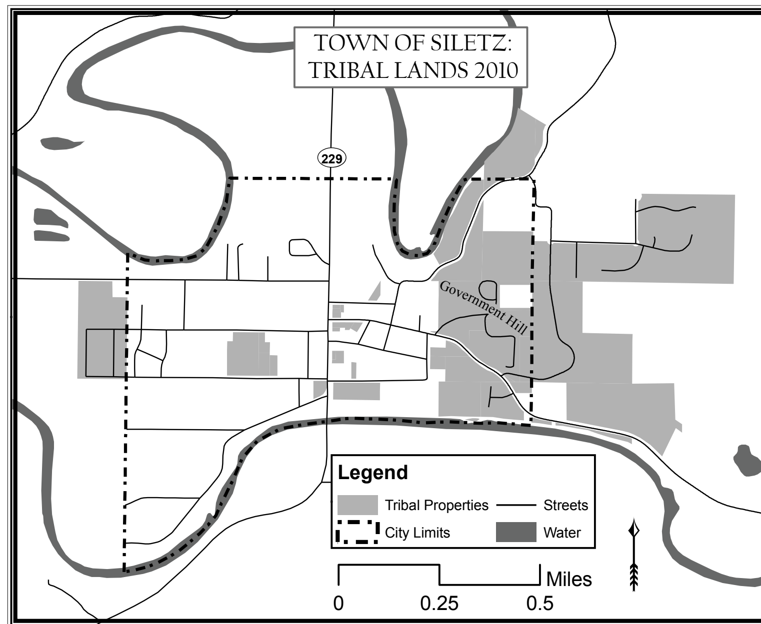
Newport and Yaquina Bay lie just a few miles beyond. The town's Nye Beach has been a prime tourist destination since this part of the reservation was broken off in 1865, and the ocean-going fishing fleet perseveres at the harbor docks. Heading east from town on Highway 20 and then taking a left onto Highway 229, the drive to Siletz takes about twenty-five minutes, up and down through forested terrain.

You'll know you're in Siletz when you cross the bridge over the Siletz River. Off to the right sits the most prominent building in town, the tribal administrative center. A sturdy two-story log affair with a bright green roof, it fits the landscape. As you walk into the sunny entryway adorned with traditional tribal artifacts and history, the receptionist will direct you to the department you're looking for—natural resources across the hall, child and family services to the left, tribal court upstairs, and so forth.

This is a busy place, housing as it does many of the tribe's employees. It is hard to imagine that thirty years ago there was naught but a double-wide with four people working for a government possessed of not much more than the hope and excitement bred by restoration. Now the tribal government's workforce of about 300—this does not include Chinook Winds and other enterprises—is larger than Lincoln County's. The government's size has created a need for land in town beyond the Government Hill area obtained at restoration. Although the tribe's active land reacquisition program has led to the purchase of thousands of acres of rural forest land, the tribe also has acquired significant acreage in and near the town of Siletz for tribal housing, health and recreation facilities, buildings for administration and programs, and other purposes.

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.



American Indian tribes, assertive and productive once again after a century and a half of forced inaction, are unique and interesting entities: each carries out governmental, landowning, corporate, and community functions. On the government side, tribes are one of three sources of sovereignty in the United States along with the federal government and the states (with cities and counties being creatures of state sovereignty). While tribes are closely tied by history and law to the United States government, they are separate: federal sovereign power derives from the Constitution, while tribal sovereignty has much earlier origins in the practice of self-government by aboriginal societies. Tribes are greatly affected by federal laws and policies—Congress has sweeping authority under the Commerce Clause to "regulate Commerce [which is very broadly defined] with foreign Nations, and among the several states, and with the Indian Tribes"—but tribes are independent governments, not federal instrumentalities.

The separate governmental status of tribes has ramifications that distinguish them from all other American governments. For example, tribal members have a number of prerogatives, including reserved hunting, fishing, and water rights, because of their status as citizens of a sovereign government. The Siletz Tribe can and does have a tribal-member preference for jobs in Chinook

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

Winds, where tribal members hold 100 jobs including 25 in management, and tribal governmental programs, where more than half of all jobs and nearly all top staff positions are held by Siletz people. This is a matter of citizenship, not racial discrimination.

The status of tribes also involves religion. The First Amendment prohibits Congress from making any "law respecting an establishment of religion." Courts have found that the Fourteenth Amendment imposes this Establishment Clause on the states, but nothing in the Constitution applies the Establishment Clause to Indian tribes. Congress, which has made many Bill of Rights provisions binding on tribes under its general power over Indian affairs, has never imposed religion limitations on tribal governments. As a result, a hallmark of Siletz governance is the way that the tribe meshes into its official actions various religious and spiritual traditions and practices, ranging from prayers at the beginning and end of meetings to supporting the age-old dance, Nee Dosh.

At first glance, it may seem quizzical that tribes would be considered sovereigns. The word, which packs potent emotional content, evokes great authority, indeed absolute power. How can tribes, small in population and reliant in part on the United States for funding and protection, be sovereign?

The term sovereignty traces to sixteenth-century European philosophers

Mary A. "Dolly" Fisher was elected to many terms on the Siletz Tribal Council, including stints as chairman and vice chairman, from restoration days through the early 2000s. She served on numerous tribal committees and as a delegate to the National Congress of American Indians and Affiliated Tribes of Northwest Indians. *Siletz Tribal Collection.*

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

who, seeking theoretical rationales to justify political stability, described the king as sovereign—holding unlimited, undivided power and answerable only to God. In post-revolution America, with its intricate system of checks and balances, the notion made no sense. This caused Thomas Jefferson to declare that the absolutist formulation of sovereignty was "an idea belonging to the other side of the Atlantic."

The American usage of sovereignty is synonymous with government authority: the power to make laws and enforce them. Sovereign, or governmental, authority can overlap (some crimes can be tried in either federal or tribal court) and one sovereign's authority can override another's. Pointedly, especially in the West, a main limitation on state sovereignty is tribal sovereignty: states have little power on Indian reservations and trust land. So in this country we have many sovereigns with varying degrees of political power, and none omnipotent.

Like all grand ideals, such as freedom and justice, tribal sovereignty operates on different levels. Sovereignty is an elegant, inspiring philosophical concept, the call to true liberty for Native peoples, an emblem and cause worth fighting for. It is also highly specific, a daily reality that springs to life in the actions and activities, large and small, of the political leaders, employees, traditional practitioners, and individual members of Indian tribes. For Siletz tribal leaders, a principal objective of restoration was to reactivate tribal sovereignty.

Today you can see and feel the sovereignty at Siletz, relatively small though the membership and land holdings may be. Government officials, corporate officers, and citizens regularly come to the tribe to make requests, negotiate, provide information, and otherwise conduct business. They take their seats at the table in front of the nine elected council members at their raised semicircular table in the formal council chambers, make their presentations, and receive questions. The session will be civil, efficient, and leavened with humor, much like a presentation to a state or federal legislative committee. When the outside officials' work is done and they walk down the stairway and depart the administrative building, they will know. Yes, this is a government, a sovereign.

By the 1970s, tribes were focused on reforming the Bureau of Indian Affairs, the bane of Indian country. The BIA presence was an affront, symbolically and practically, to the sovereignty that was guaranteed in the treaties and that

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

the tribes wanted to see take flight. Reform came, but it took time. In 1975, Congress passed the Indian Self-Determination and Education Assistance Act, which made a good start by allowing tribes to contract with the BIA and Indian Health Service to do the work on specific projects. If one of those agencies planned, say, to build a road or health clinic, then the tribe could contract with the agency and do the project itself. A breakthrough to be sure, but the BIA moved slowly and the scope of the act allowed only piece-by-piece transfers of authority to the tribes.

In 1988, the tribes succeeded in convincing Congress to broaden the concept to "self-governance," meaning that tribes could now enter into a "compact"—not a "contract"—a comprehensive agreement authorizing the tribe to take its entire share of the BIA budget and allocate the funds in accordance with tribal priorities (this was extended to the IHS budget in 1991). There were many kinks to be worked out, but a "demonstration project" went ahead with seventeen tribes. In 1992, the demonstration project was expanded to thirty additional tribes; one of them was the Siletz.

The tribe's self-governance compacting in the early 1990s closely tracked the gaming effort. Combined, the two were transformational: they increased both revenues and sovereignty. Today, Chinook Winds provides about 37 percent of the tribal budget, and self-governance funds from the BIA and IHS about 30 percent. "We thought we could make better decisions and we have," reports Brenda Bremner, the tribe's general manager and tribal member. The influence of the BIA has diminished to the point, as Bremner puts it, that the agency has "very little impact on us." "They do have some influence in law but mostly that only slows us down and doesn't stop us. If we request waivers we are able to receive them. Basically, we have a good working relationship with the Bureau."

But now it is a sovereign-to-sovereign, not guardian-to-ward, relationship.

Self-determination, with its heady infusion of independence and pride, has a high value of its own, but carrying it out for the betterment of society is challenging for any government. Indian tribes, the oldest governments in the land but the newest in their modern incarnations, have faced especially daunting circumstances. At Siletz, while the gaps are narrowing, socioeconomic indicators continue to lag behind national averages. History has run roughshod over the Siletz and it will take time to catch up. Now, though, it is on their

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

Delores Pigsley was a Siletz Tribal Council member during the restoration effort and has led the tribe during most of the modern era. As of 2010, she had served as tribal chairman for a total of twenty-five years. *Siletz Tribal Collection.*

terms and they are crafting the future in their own way.

The Siletz Community Health Clinic is adjacent to the administration building. This single-story facility houses most of the fifty tribal health-care employees. It provides direct medical and dental services and optometric care; operates a diabetes program; houses a pharmacy and laboratory; and runs an alcohol and drug program (the tribe has three area offices in Eugene, Salem, and Portland, and they, too, offer alcohol and drug services but not the other health-care programs). When hospitalization or more specialized treatment is required, the tribe contracts health services with hospitals and physicians in urban areas. Using an innovative approach that provides health care to both Indian and non-Indian residents in the Siletz area, the clinic receives funding from both the state of Oregon and the IHS. The tribe is one of the few providers on the Oregon Coast that accept Medicare and Medicaid patients.

The clinic has become an integral part of the tribal community. Many elders who live elsewhere make the trip to Siletz for clinic visits and checkups; for them, the two- to four-hour drive is well worth the financial savings and the comfort of a community clinic—as well as the chance to visit with friends. The clinic, which receives over 40,000 physical visits per year and thousands of phone-in requests for prescriptions, has outgrown the existing building. In 2009 ground was broken for a new and larger facility on Government Hill. Two other health facilities opened in 2008: a workout facility called the Tillicum Fitness Center and a neighboring gymnasium, both of which are open to non-Indian residents of Siletz.

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

A top tribal priority is to provide housing for the considerable numbers of Siletz people who have wanted to return to the Siletz area since restoration. The Siletz Tribe, with a housing department staff of twenty, administers an array of programs. Eighty-three homes for purchase by tribal members, such as those shown above, are available in the home-buyer program and the inventory of properties is steadily growing. The tribe also leases sixty low-cost rental units. Depending on need, financing is available in both the home-buyer and rental programs. In addition, on non-tribal parcels the tribe offers down-payment assistance, rental assistance, and emergency support for members undergoing eviction from rentals or foreclosure. *Siletz Tribal Collection.*

From the tribal council on down, the government searches for ways to address the causes of diseases and conditions that disproportionately afflict Indian people. This includes diabetes, largely traceable to the change of diet from fishing, hunting, and gathering to fast foods; alcoholism, which is psychologically entwined with the whole saga of colonization; and depression, lack of self-esteem, and debilitating negative attitudes reflecting a sense of displacement and disempowerment.

Siletz health professionals make telling comments about this. George Nagel, a non-Indian who is the tribe's mental health specialist and has worked for Siletz for eighteen years, says that "for pretty much all people I see there is that historical trauma," a variant of post-traumatic stress disorder (PTSD). Janet Wicklund, a non-member who has worked for the tribe for twenty years and is now program director for the alcohol and drug program, elaborates on generational trauma and her belief that Siletz addiction problems are largely

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

Elected many times to the Siletz Tribal Council, Reggie Butler, shown here with his grandson, Isaac Butler, has specialized in housing issues. *Siletz Tribal Collection.*

the result of scars inflicted on Siletz people dating back to the Rogue River War. "People are experiencing anger as the most comfortable way to deal with difficult feelings of stress and depression," she says. "There was a whole generation taken off to boarding schools. The generation after the boarding schools didn't have parenting models. Relocation and termination were huge things to go through. I feel like there are a lot of specific reasons for generational trauma."

The early research on generational trauma, also called intergenerational trauma and historical trauma, involved descendants of Holocaust victims. Subsequent scholarship found other examples of psychological wounding across generations in sexual abuse victims, war veterans, and other groups, the most notable of which have been indigenous groups—Australian Aborigines, Canadian Natives, and American Indians. Eduardo Duran and Bonnie Duran explain the impact across generations on American Indians:

> The lifeworld as had been known for centuries became threatened, and in most cases that lifeworld was systematically destroyed. . . . The psychological trauma perpetrated by such an intrusion had collective impact at the

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

> beginning of what was to become a process of ongoing loss and separation. This loss and separation was not only from loved ones, but was also a loss of the relationship the people had with their daily world. These losses were not allowed the time for proper bereavement and grief process, thus adding to the wound in the Native American collective psyche.

In comprehending this psychological phenomenon, it is important to mark down why "trauma" is a necessary descriptor. Teresa Evans-Campbell explains: "The events are usually perpetrated by outsiders with purposeful and often destructive intent. This . . . is critical to the definition of historical trauma. Indeed . . . many of these events are not only human initiated and intentional but also fall under the category of genocide . . . making them particularly devastating."

Much of the scholarship is future-looking and emphasizes the importance of family and community ties, and culture and tradition, in the healing process. Health professionals at Siletz agree and incorporate culture into treatment as much as possible; they refer patients to tribal elders and tribal-member counselors and encourage patients to attend cultural events. George Nagel believes that culture "has to be part of treatment. . . . I am non-tribal, but I can direct people to others in the tribe. . . . When I started there wasn't a dance house. When I started there wasn't a culture program." He encourages

The tribe has an active elders program, for those fifty-five and older, that includes nutrition counseling, in-home services, and some financial benefits. The Elders Council holds regular social and business meetings. Transportation is available on the "Elders Bus," shown above; larger busses are used for trips to other reservations, cultural and sports events around the Northwest, and tribal gatherings such as the conclusion of the Run to the Rogue in southern Oregon. *Siletz Tribal Collection.*

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

patients to participate in cultural events, including Run to the Rogue, a three-day relay. The run ends deep in the traditional Rogue River country at Oak Flat, where Tyee John gave his brave and inspirational speech near the end of the Rogue River War in 1856.

In discussing tribal government, Siletz people will often mention that education is the highest priority and the comprehensive educational effort lends support to that view. Head Start programs in Siletz, Salem, Portland, and Lincoln City enroll over 100 children and maintain an attendance rate of 85 percent or higher. Among many other programs for young people, a Tribal Youth Center in Siletz is open for three or four hours after school. Adult education for vocational training and completion of General Education Development degrees are available in Siletz and the three area offices. The tribe funds all members who seek education beyond high school for the cost of tuition and books; additional grants are available, depending on need, for student living expenses. The number of Siletz students in higher education has increased from 35 in 1995 to 129 in 2008.

The tribe has also embarked on an adventuresome initiative in elementary and secondary education. The town of Siletz, like many isolated rural communities, has been plagued by public school closures. In the 1980s, the Lincoln County school board eliminated the high school, reducing the Siletz public school to a K-8. High school students were bussed to Toledo, nine miles away. In 2003, the school district decided to shut down the remaining 170-student school in Siletz altogether. Amid longstanding concern about the high dropout rate for Siletz students in Toledo High, on short notice the tribe took the lead in salvaging the situation by petitioning for a charter school, and the Oregon Department of Education and the school district approved the application. Since then, the curriculum has been enriched by adding more tribal history and culture, including language classes. Student enrollment increased. The Siletz Valley School, the "Warriors," soon had teams in football, basketball, and other sports. During the 2006-7 school year, the high school was transformed into an "early college academy" under a program created and funded by the Bill and Melinda Gates Foundation to reach low-income communities. The early college academy curriculum allows participating students, working through distance learning provided by Oregon State University, to gain up to two years of college credit while earning their high school degree.

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

Lillie Butler, in the center-front of this photograph taken at the annual Run to the Rogue, was elected to the tribal council for many terms, served as tribal chairman for one year, and focused on education issues. *Siletz Tribal Collection.*

The charter school is an independent entity, a nonprofit organized under state law, but it is effectively a tribal program. The tribal council contributes an average of $250,000 a year, which, according to school director Van Peters, the school "couldn't operate without," and tribal members make major contributions to the curriculum, especially in the teaching of tribal history, culture, and language. In 2007, the town of Siletz celebrated its first high school graduation ceremony in twenty-five years. The valedictorian called the charter school "by far the best—it changed my whole outlook on life." Then, in the traditional Indian way, every graduate was wrapped in a Pendleton blanket, and Reggie and Lee Butler concluded the ceremony with an honor song for the graduates.

While the Siletz Tribe has tripled its landholdings since the 1980 restoration statute and now owns about 9,100 acres, tribal land still makes up a tiny part of the original reservation. In spite of the small ownership, tribal leaders have

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

taken an assertive environmental stance toward management of what they view as their homeland. This is the landscape where Siletz people have fished, gathered, and hunted back through all the generations and the tribe is bent on restoring the health of the land, water, fish, and wildlife. Progress is difficult. Some programs depend on soft money. Even more basically, the tribe has little direct control over most of the development activities that cause degradation and depletion. The tribe's greatest asset is a good track record and respect for its research and policy decisions; that can and has translated into interest from grant makers and a willingness on the part of state and federal agencies with broad regulatory powers to collaborate with the tribe.

In 1999, the southern Oregon Coast was hit with a major oil spill. The 660-foot cargo vessel *New Carissa* wrecked and broke apart near Coos Bay, spilling some 70,000 gallons of tarry fuel into the ocean and onto the shoreline. When the shattered bow section of the *New Carissa* was towed north, it broke loose and caused yet more coastal damage near Waldport. The accident was a disaster for ocean-front landscapes and marine life, including 262 marbled murrelets, a species listed as threatened.

A court-approved settlement followed, with state and federal agencies and the Siletz and the Coos, Siuslaw, and Lower Umpqua tribes designated as restoration trustees. They were charged with finding habitat that, when protected, would mitigate the destruction caused by the spill.

For years the trustees studied what land might be chosen as habitat, how it should be managed, and who should do it. Finally, in 2006, the trustees located parcels owned by two timber companies—the lands were suitable because the murrelets feed mostly in the ocean but nest in coastal forests, miles inland. These were part of the Siletz Treaty reservation, located near Route 229—the Kernville Road, the inland route from Lincoln City to Siletz—not far from tribal headquarters. A Coast Guard fund contributed the purchase price, $15.5 million.

The trustees initially preferred that a non-governmental organization manage the land but they could not settle on one. They turned to the Siletz Tribe, which was delighted at the opportunity to recover prime ancestral land, nearly 3,900 acres. The trustees and the tribe negotiated a unique agreement that transferred the land to the tribe and provided that it be conservatively managed "in perpetuity" as murrelet nesting habitat. The agreement allows a limited tribal commercial timber harvest "consistent with restoration objectives."

The transaction was made possible because the tribe had proven itself with

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

Frank Simmons, fisheries technician in the Natural Resources Department and Siletz Tribal Council member for several terms, dip-net fishing for salmon at the Euchre Creek site. *Courtesy of Siletz Tribe Natural Resources Department.*

its sustainable management of the timber lands obtained through restoration. The nine-person Siletz forestry staff coordinates with the Cultural and Natural Resources departments to avoid impacts on cultural and environmental resources. The tribal council has long insisted on an environmentally sensitive timber harvesting regime. Jeff Classen of the Oregon Department of Forestry has observed the tribe's environmental practices. "From what . . . I've seen, they do a good job and manage their lands responsibly. They put a lot of time and effort into what they do out there and don't take this stuff lightly." At the signing ceremony in Salem in 2007 for the transfer of the 3,900 acres to the tribe, the trustees cited the tribe's "long history of forest management and community involvement, a multidisciplinary staff, and a demonstrated ability in resource restoration and species conservation." Lincoln County Commissioner Terry Thompson, who had been a main figure in developing the arrangement, called the tribe "a perfect match for this program. The Siletz Tribe has a proven track record for land management of all types of uses for our forest lands."

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

A tribal employee transplanting native oysters in Yaquina Bay at low tide. *Photograph courtesy of Dave Pitkin and the National Oceanic and Atmospheric Administration.*

The Siletz have taken many other protective actions through its Natural Resources Department. The department now operates Lhuuke Illahee ("Fish Place"), an innovative fish hatchery on Rock Creek, a tributary of the Siletz River above the town of Siletz. Under the 1980 consent decree, the tribe could establish three cultural fishing sites, one of them on Rock Creek. To provide salmon at the tribal site and to put more coho salmon in the river, the state leased a private hatchery on Rock Creek. The outmoded hatchery, dating to the 1930s, never worked well and the state stopped running it in the 1990s. The tribe then purchased the 200-acre property and put in a hatchery that is not a hatchery: Aquatic Programs leader Stan van de Wetering explains that the term "'hatchery' is really a misnomer. It's more of a refuge where fish can rear and grow and reproduce."

Hatcheries have been controversial on Pacific Northwest rivers and the tribe attempts to avoid the errors of the past. Under tribal management, native wild fish are raised instead of using the common old-style practice of bringing in eggs from other watersheds. The fish are fed on naturally produced

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

foods instead of pellets and no straight-walled concrete pens are used. Tribal employees diverted water from the stream to create a pond in a meadow. The young fish are obtained by opening the pipe from Rock Creek, causing some fish to swim into the pond for food. Tribal Natural Resource Department staffers put wood chips and brush in the pond, creating bacteria and algae. The fish then acclimate themselves in the pond before heading downstream on their own schedule.

Salmon restoration is a long-term process, so final returns are not in, and Lhuuke Illahee is a small project, but this refuge seems to be helping. The indications are that it is gradually bringing back more wild fish to Rock Creek for traditional Siletz fishers and sports fishers as well. This project, like most of the tribe's natural resources endeavors, represents the hallmark of the tribe's approach, a willingness to think in the long term, to recognize that restoring land and water health in the tribe's homeland will take decades, and to put in the necessary time and patience to push ahead, piece by piece, year by year.

The Natural Resources Department has also taken on shellfish restoration. In the Siletz mind, Yaquina Bay oysters evoked two images: succulent seafood that was an aboriginal delicacy and the bay that attracted the commercial harvesters—people who led the charge for the 1865 executive order that took 200,000 acres from the reservation. By the early 1900s, because of commercial over-harvesting and water pollution, the once-bountiful Olympic oysters in Yaquina Bay were in serious decline. The bay no longer supports harvestable numbers of oysters.

In addition to restoring bay habitat, the tribe conducted an oyster restoration project funded by the National Oceanic and Atmospheric Administration. Tribal members traveled north to Netarts Bay, near Tillamook, just north of the 1855 reservation boundary, to collect brood stock of native Olympia oysters. Those oysters were taken to a shellfish hatchery to spawn and mature. Siletz employees then transplanted them on state-owned sites on Yaquina Bay. Frank Simmons, former tribal council member and natural resources technician for the tribe, said this about the project: "How do I feel about this first step to put oysters back? It's the beginning of a new life. We want oysters here, not just for Native Americans, but for all."

Lamprey eel recovery is another priority area. In mainstream American society, attitudes toward eels, with their toothy, raspy, suction-cup mouths, ranged from worthless to plug-ugly to vaguely dangerous. In the Pacific Northwest, eels were targeted for eradication as trash fish. To the tribes, the eels were a key part of their diets, a nutritious and delicious food. Starting

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

Eels, harvested by tribal members at Willamette Falls, hanging to cure in a smokehouse. *Siletz Tribal Collection.*

in the 1990s, Northwest tribes, with the Siletz taking an active role, stood up for the eel, an anadromous species that is born in freshwater, migrates to the ocean, and returns to its native stream as an adult in a life cycle different from, but similar to, salmon. A broader understanding developed among scientists and policymakers that the lamprey is an important part of the food chain during its life cycle, providing food for small fish, salmon, seals, and sea lions. Now a restoration effort, modest but growing, is operating on many of the region's rivers.

Sharing the same rivers as Pacific salmon and having many of the same habitat needs, eels—like the salmon—have sharply declined due to dams, logging, and other development activity. They also suffer from eradication efforts. Siletz people saw a drop-off in the populations after World War II and a near collapse by the 1980s. The tribe formed the Lamprey Eel Decline Project and began to assemble a database with the assistance of students at Oregon State University. Professor Jefferson Gonor, an oceanologist, agreed to serve as a mentor for Tom Downey, a Siletz tribal member who later earned a degree in environmental health and safety.

Downey headed up a project that culminated in the publication in 1996 of *Skwakol: The Decline of the Siletz Lamprey Eel Population during the 20th Century.*[72] The report included traditional scientific and historical information, but its essence is found in nineteen extensive oral histories that document cultural use, decline of the eels, and current conditions in the Siletz River watershed. The observations in that report and later data-gathering made it clear that the primary cause for the drop in eel numbers was high-

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

yield logging that increased the sediment load and degraded the water by harvesting in riparian zones, using bulldozers to clear out fallen trees in streams, and applying herbicides and other chemicals to promote regeneration of trees.

As with all complex river restoration efforts, the tribe's focus is what it has to be—to improve watershed health—and the time period for significant returns is what it has to be—mid-term or long-term. Project areas now include both the Siletz watershed and the Willamette River, where a group of tribal members still catches eels by hand at the traditional site at Willamette Falls. Strategies include taking water samples, assessing eel toxicity levels, and helping to shepherd the cleanup of a superfund site on the lower Willamette. The Siletz also coordinate with federal and state agencies and other tribes to leverage resources and compare strategies. Mike Kennedy, tribal natural resources manager, emphasizes the compelling reasons for bringing back the eels, scorned for so long as a trash fish. "While we are studying the eel because of its importance as a traditional food source, this is not a single-species project. Lamprey eels are connected to an entire system that supports salmon, crawdads, and other organisms. We are using eels as an indicator of watershed health."

The Siletz Tribe has gained a reputation for sound, steady governance. Stanley Speaks gives his assessment from the vantage point of director of the BIA Northwest Regional Office since 1982. "They had strong leadership at restoration. Now, when they bring in new people, they're able and talented. For stability and continuity, Siletz is right up at the top." This stability comes from the council, where many members over the years have served multiple terms, and from veteran senior staff as well. For one tense stretch of time, however, the system of governing deteriorated and tribal operations threatened to grind to a halt. The episode offers a window into some of the main institutions of Siletz sovereignty: the constitution, tribal council, general council, election board, and judiciary.

The Siletz constitution requires that tribal council elections be held annually on the first Saturday in February. Each year, three of the nine council seats are up for election. The new council then elects a tribal chairman and other officers. On February 1, 1997, in the midst of turmoil over economic development, especially management of the casino, three new council mem-

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

bers were elected. In a 5 to 4 vote, the council then installed a new chairman, replacing Delores Pigsley, who had served for thirteen years.

Throughout the spring, tribal operations continued in more or less the same manner as before the election. The administration of Chinook Winds was controversial, but that had been a problem area for two years. Then, in July, the tribal council, by another 5 to 4 vote, terminated the tribal administrator (the position is now designated general manager). The decision, right or wrong, ignited conflict and sparked talk of a recall of the five council members who had removed the administrator. There had never been a recall under the Siletz constitution, adopted in 1979.

The dispute grew angrier as the council passed over two tribal-member candidates for the tribal administrator opening. In late August, the council filled the position with an Indian from another tribe. Once again, the vote was 5 to 4, with the breakdown being the same as the alignment for the firing in July.

The recall movement gathered steam as the tribal administrator (who lasted only until February, when he was fired for cause) took heavy criticism for his management style and dismissals of several employees, including the assistant administrator. Attendance was higher than usual at tribal council meetings and at the November 1997 general council meeting, where tribal members lodged many objections to the administrator's performance. (The Siletz constitution provides, in addition to the elected tribal council, for a general council composed of all tribal members eighteen years of age and older. The general council, which meets four times a year, has limited powers but is an important forum for tribal members to speak and question their elected tribal council members.)

In a petition drive, tribal members succeeded in gathering the signatures of one-third of all general council members, the constitutional requirement for a recall election. The election board set the recall vote for March 23, 1998. Only four council members appeared on the ballot; the fifth had not been reelected in the February 1998 election.

The four council members up for recall, joined by tribal chairman Pat Duncan (elected to the council in February), went to tribal court and sued the Siletz Election Board to block the recall election, alleging that several of the petitions contained errors. Associate Judge Andrew Viles held three hearings, the last just four days before the election, and then issued a long opinion early on the day of the election. After detailing technical defects in the recall petitions and signatures, Judge Viles allowed the voting to be completed but

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

ordered the election board to shred the ballots without counting or inspecting them.

The election board immediately appealed to the Appellate Court, which promptly issued an emergency order blocking the destruction of the ballots until the appeals court issued a final decision. (At the time, by Siletz tribal law, appeals from the Siletz Tribal Court went to the Northwest Intertribal Court System, a consortium of tribal courts. The Siletz Tribe now has its own Appellate Court.) For four months, the tribe was on tenterhooks, waiting for a ruling. The four council members targeted by the recall continued in office.

The Appellate Court handed down its ruling in July. While there were a number of minor errors on the petitions, the court found that there still were enough valid signatures to meet the constitutional requirement of one-third of all general council members. The court directed that the ballots be counted. When that was done, the four council members were recalled by margins of 70 percent or more. Now there were only five sitting council members.

Chairman Duncan, having aligned with the four recalled members, now found herself in a minority of one. The constitution, in addition to allowing the council to select the chairman, provides that council vacancies will be filled by the council upon recommendation of the chairman. Believing that the other four members would likely vote to remove her as chairman and appoint new members, she refused to call a tribal council meeting, putting tribal decision making on hold. The tribal council has a steady stream of responsibilities; at this time, for example, time was running out to finalize the $5 million self-governance contract with the Indian Health Service.

When tribal members gathered for the regularly scheduled general council meeting on August 1, tensions came to a head. The chairman, acknowledging that "we are in turmoil," explained her view of the situation—that allowing the other four council members to take charge would lead to "political unrest for many many years to come." Emotions ran high and the minutes record that, just before the lunch break, "comments continued from the attendees and comments cannot be heard because the attendees were shouting and the meeting was out of control."

The meeting continued after the break and at the end of the session, "after carefully weighing all the options," Duncan resigned. Now the council was down to four members. Under the constitution, no tribal council meeting can be held without a five-member quorum. Addressing the general council, Duncan explained that resignation was the right course because the stalemate would "force the Bureau of Indian Affairs to exert their trust responsibility to

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

hold and conduct a Special Election."

The four remaining council members thought differently. Business needed to be conducted and a BIA takeover would be contrary to, and a black mark against, Siletz sovereignty. They went to tribal court the next day, Sunday, and requested that the court acknowledge the crisis and issue an order allowing the four members to hold a special meeting. They wanted the court to allow them to name a fifth council member, the one who received the next highest vote total in the January election. Then the council, now with a five-member quorum, could select a chairman and fill the four remaining seats under the ordinary procedures of the constitution. Only such an approach, they urged, could meet the highest purposes of the constitution, to "continue forever" the Tribe's identity and to "protect our inherent rights as Indians and as a sovereign Indian tribe."

Chief Judge John Roe, recognizing the extraordinary nature of the situation, ruled on Monday that such a course was "fair," "in the best interest of the Confederated Tribes of Siletz Indians," and "will insure that Tribal business continues without further interruptions." The council held a special meeting on Monday evening in an overflowing council chamber and filled the remaining seats. With that accomplished, the council then proceeded to conduct business.

The episode tested the foundations of Siletz sovereignty and stability. Yet, all governments face their crises and how they handle them is often the truest gauge of a government's worth. Here, the Siletz constitution held, along with the checks and balances it puts in place. The citizenry announced its will through the recall provisions and the courts, election board, general council, and tribal council functioned as they should. It took time—the tribe endured a year's disruption—but the government righted itself and got back on track.

A person can fairly ask whether the Siletz Tribe can continue for the foreseeable future. In one sense, we do not have much data to go on. Modern tribal governments, with their brand of self-determination, have existed for only about forty years, the Siletz a decade less than that. The budget is heavily dependent on Chinook Winds and federal funding. What would happen if either or both of those revenue streams dried up? To many Americans, tribes are anomalies—history-based in a nation that prides itself on modernism—and they are small in population. With all the progress, many tribal members

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.

remain below the poverty line. Will the Siletz once again face termination or other debilitating congressional policy?

Still and all, the Siletz Tribe has put building blocks in place that suggest permanence. Money is being set aside for investments and diversity of economic development. The tribe has built up contacts, credibility, and respect, thereby weaving itself into the local, state, and national societies. Somehow, despite all the bad years, from the time of the diseases to termination, Siletz people have found a way to nurture and revive the roots of their culture.

Maybe this cannot hold. Maybe Indian tribes, Siletz included, will become anachronisms, and the passage of time and the force of political and economic powers will erase them away. Maybe the construct of the past two generations is too fragile to last. Maybe, though, the Siletz have built an elaborate infrastructure of governing authority, economic security, and culture—a steel frame that will endure. Maybe Tribal Chairman Pigsley has it right when she announces her mind with clarity and force: "We *will* survive."

Copyright © 2010. University of Washington Press. All rights reserved.

Wilkinson, Charles, and Charles F. Wilkinson. The People Are Dancing Again : The History of the Siletz Tribe of Western Oregon, University of Washington Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/psu/detail.action?docID=3444449.
Created from psu on 2020-04-18 13:56:11.