

CONSTITUTION
OF THE
CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON

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**CONSTITUTION
OF THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON**

PURPOSES

We, the members of the Confederated Tribes of Siletz Indians of Oregon, being a federally recognized Indian tribe and the political successor in interest to certain bands and tribes of Indians who were signatories to treaties and other agreements with the United States of America, organized pursuant to the Act of November 18, 1977, 91 Stat. 1415, and the Act of June 18, 1934, 48 Stat. 984, hereby adopt this Constitution and establish our tribal government in order to:

- (1) Continue forever, with the help of God, our unique identity as Indians and as the Confederated Tribes of Siletz Indians of Oregon, and to protect that identity from forces that threaten to diminish it;

- (2) Protect our inherent rights as Indians and as a sovereign Indian tribe, including protecting our rights under the following treaties and Executive Order belonging to the tribes and bands of Indians that comprise the Confederated Tribes of Siletz Indians of Oregon:
 - (a) Treaty with the Rogue River, Sept. 10, 1853, 10 Stat. 1018, ratified April 12, 1854, proclaimed Feb. 5, 1855;
 - (b) Treaty with the Umpqua-Cow Creek Band, Sept. 19, 1853, 10 Stat. 1027, ratified April 12, 1854, proclaimed Feb. 5, 1855;
 - (c) Treaty with the Rogue River, Nov. 15, 1854, 10 Stat. 1119, ratified March 3, 1855, proclaimed April 7, 1855;
 - (d) Treaty with the Chasta, etc., Nov. 18, 1854, 10 Stat. 1122, ratified March 3, 1855, proclaimed April 10, 1855;
 - (e) Treaty with the Umpqua and Kalapuya, Nov. 29, 1854, 10 Stat. 1125, ratified March 3, 1855, proclaimed March 30, 1855;
 - (f) Treaty with the Kalapuya, etc., Jan. 22, 1855, 10 Stat. 1143, ratified March 3, 1855, proclaimed April 10, 1855;
 - (g) Treaty with the Molala, Dec. 21, 1855, 12 Stat. 981, ratified March 8, 1859, proclaimed April 27, 1859;
 - (h) Treaty with the Indians Along the Oregon Coast confederating tribes and bands of Indians residing along the coast west of the summit of the Coast Range of mountains and between the Columbia River on the north and the southern boundary of Oregon on the south, Aug. 11, 17, 23, 30, and Sept.

8, 1855 (unratified by the United States of America);

- (i) Executive Order dated November 9, 1855, by President Franklin Pierce, establishing the Coast or Siletz Reservation.

[Amended by Constitutional Amendments Election May 16, 2008]

- (3) Promote our cultural and religious beliefs and to pass them on in our own way to our children, grandchildren and grandchildren's children forever;
- (4) Help our members achieve their highest potentials in education, physical and mental health and economic development;
- (5) Maintain good relationships with other Indian tribes, the United States, the State of Oregon and local governments;
- (6) Support the Government of the United States and encourage our members to be loyal citizens;
- (7) Acquire, develop and conserve resources to achieve economic and social self-sufficiency for our tribe;
- (8) Insure that our people shall live in peace and harmony among themselves and with all other peoples.

ARTICLE I - MEMBERSHIP

SECTION 1. REQUIREMENTS.

The membership of the Confederated Tribes of Siletz Indians of Oregon shall consist of all persons who are not enrolled as members of another federally recognized tribe and

- (A) Whose names validly appear on the official tribal roll dated May 16, 1978, provided that, if necessary and subject to the approval of the Secretary of the Interior, the blood quantum levels listed thereon shall be corrected by the governing body of the Confederated Tribes of Siletz Indians of Oregon; or
- (B) Who possess one-sixteenth (1/16) or more degree Siletz blood quantum, have filed an application for enrollment with the appropriate tribal body and have been accepted as members in accordance with the tribal ordinance adopted under Article I, Section 2 of this Constitution. [Amended by Constitutional Election 1994]

For purposes of this section "Siletz blood" is defined as all Indian blood derived from a direct ancestor who was named on any roll or records of Siletz tribal members prepared by the Department of the Interior prior to the effective date of this Constitution.

Sec. 2. Ordinance

The Tribal Council shall enact an ordinance establishing procedures for processing membership patterns including application procedures and blood degree corrections of the May 16, 1978, roll as provided in Article I, Section 1, of this Constitution within six months of the Tribal Council's election to office under this Constitution. The ordinance shall contain procedures, including the right to appeal.

Sec. 3. Adoption.

The Tribal Council shall have the power to prescribe rules and regulations governing the adoption of members, providing that no person shall be enrolled as a member of the tribe who does not meet the membership requirements set forth in Article I, Section 1 of this Constitution. The Tribal Council shall establish an honorary membership roster for persons adopted by the Tribe who do not meet said requirements.

Sec. 4. Loss of Membership.

The Tribal Council shall prescribe by ordinance rules and regulations governing loss of membership. The reasons for such loss shall be limited exclusively to failure to meet the requirements set forth for membership in this Constitution.

ARTICLE II - RIGHTS OF MEMBERS

Section 1. Individual Rights.

Each duly enrolled member of the Confederated Tribes of Siletz Indians of Oregon shall have the following rights:

The right to equal opportunity to participate in the economic resources and activities of the Confederated Tribes of Siletz Indians of Oregon in accordance with eligibility requirements set by the tribal and Federal governments; and the right to exercise traditional rights and privileges of members of the Confederated Tribes of Siletz Indians of Oregon where not in conflict with other provisions of this Constitution, tribal laws and ordinances, or the laws of the United States.

Sec. 2. General Council.

All duly enrolled members of the Confederated Tribes of Siletz Indians of Oregon who are eighteen (18) years of age or older shall constitute the General Council. In accordance with Articles V, VI, VII and VIII of this Constitution, the General Council shall have the power to:

- (A) Elect Tribal Council members and approve or disapprove any salary or wages paid for performance of Tribal Council duties;

- (B) Exercise the powers of initiative and referendum;
- (C) Recall elected tribal officials;
- (D) Amend this Constitution; and
- (E) Make advisory recommendations to the Tribal Council.

ARTICLE III - AUTHORITY OF GOVERNMENT

The authority of the government established by this Constitution shall extend over all persons, subjects, and property now or hereafter included within the jurisdiction of the Confederated Tribes of Siletz Indians of Oregon, except and only as limited by this Constitution and the Laws of the United States. The government shall not inhibit any person's right to enjoy freedom of worship, conscience, speech, press, assembly and association, and other rights enumerated by Federal Law.

ARTICLE IV - BRANCHES OF GOVERNMENT

Section 1. Councils.

There shall be a General Council which shall exercise the powers set forth in Article II section 2, of this constitution.

The Tribal Council shall consist of nine members elected by the General Council to terms of three years each provided that each member's term shall continue until certification of his or her successor's election. The Tribal Council shall elect from its membership a Tribal Chairman, Vice Chairman, Secretary and Treasurer. The Tribal Council is empowered to exercise all legislative authority, except that vested in the General Council, and executive authority of the government, including the right to delegate authorities as it deem appropriate. Said authority shall include but is not limited to the power to employ legal counsel, to prevent the sale, disposition, lease or encumbrance of tribal lands, interests in land, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State and local governments.

[Amended by Constitutional Amendments Election May 16, 2008]

Sec. 2. Tribal Court.

The Tribal Court shall consist of one Chief Judge and such Associate Judges and staff as are deemed necessary by the Tribal Council. The Tribal Court is empowered to exercise all judicial authority of the government. Said authority shall include but is not limited to the power to review and overturn tribal legislative and executive actions for violations of this Constitution or of the Federal Indian Civil Rights Act of 1968 as well as to perform all other judicial and court functions. The Tribal Council shall set forth qualifications for Tribal Court Chief Judge, Associate Judges, and staff positions by ordinance, and shall appoint persons to fill said positions for a term of not less than four years for Chief Judge, not less than two years for Associate Judges. During the tenure of his or her appointment, the Chief Judge, or an Associate Judge may

be suspended or dismissed only for cause by the Tribal Council upon due notice and an opportunity for a hearing open to tribal members.

ARTICLE V - PROCEDURES

Section 1. General Council.

The General Council shall hold meetings in accordance with the following procedures, and shall exercise its electoral powers in accordance with the provisions of Article VI of this Constitution:

(A) Regular meetings of the General Council shall be held beginning on the first Saturday of February, May, August, and November, at a time and place to be set by the Tribal Council. The February meeting shall include the annual election of the Tribal Council except as provided in Article VI, Section 5.

(B) Special meetings of the General Council may be called by the Tribal Council upon one month's notice to the membership of the General Council. The Tribal Council may call such meetings upon its own motion, but it must call such a meeting upon presentation of a properly verified petition signed by one-third or more of the General Council of the Confederated Tribes of Siletz Indians of Oregon.

(C) The agenda for General Council meetings shall be set by the Tribal Council, provided that any member may submit in writing items to the Tribal Council for consideration for the agenda, and provided further that each agenda shall include time for discussion of items from the floor regardless of whether said items appear on the agenda. Agendas shall be sent to tribal members two weeks in advance of General Council meetings.

(D) The Tribal Council Chairman shall chair General Council meetings.

Sec. 2. Tribal Council.

The Tribal Council shall hold meetings and take actions in accordance with the following procedures, which it may augment by its own rules of procedure so long as they do not conflict with any provisions of this Constitution:

(A) Regular meetings of the Tribal Council shall be held each month at a time and place to be set by the Tribal Council. In case the time of the regular meeting conflicts with a National, State or tribal holiday, election, or emergency, the meeting shall be held at the same hour and place one week later than scheduled.

(B) Special meetings of the Tribal Council may be called by the Chairman at his or her discretion, but the Chairman must call a special meeting upon writing request of three or more members of the Tribal Council. No special meeting shall be called without twelve hours' notice to each member, unless each member shall waive the notice requirement in writing.

(C) The agenda shall be set by the chairman, provided that it shall include any item submitted upon the written request of three or more members of the Tribal Council. The agenda shall be provided to Tribal Council members not less than five days prior to any regularly scheduled meeting, and at the time notice is given of any special meeting. Items may be added to the agenda at a Tribal Council meeting upon the concurrence of three or more members.

(D) Five members of the Tribal Council shall constitute a quorum. Matters of business shall be decided by majority vote, except where otherwise required by this Constitution and the Tribal Council's own rules as set forth by ordinance. Voting shall be by roll call vote and the ayes and nays shall be recorded in the minutes.

(E) All meetings of the Tribal Council shall be open to membership of the Confederated Tribes of Siletz Indians of Oregon; However, the Tribal Council may recess at its discretion to discuss any matter in a closed or executive session, provided that the general subject matter discussed is expressed in the motion calling for such session and no final or official action is taken thereon in the closed or executive session.

(F) All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. The ordinances shall be collected and made available to tribal members and others affected upon reasonable request.

(G) All final decisions of the Tribal Council on matters of temporary interest shall be embodied in resolutions. The resolutions shall be collected and made available to tribal members and others affected upon reasonable request.

(H) All questions of procedure shall be decided by motion duly passed, or by the ruling of the Chairman if objection is heard.

(I) No Tribal Council member shall vote on any matter wherein he or she or a member of his or her immediate family has a direct personal interest, including but not limited to employment contracts, project funding, and appointments to tribal committees.

(J) A written record shall be kept of Tribal Council proceedings. The record shall be open for inspection by all members of the Confederated Tribes of Siletz Indians of Oregon.

Sec 3. Tribal Court.

The Chief Judge shall promulgate rules of pleading, practice, and procedure applicable to any and all proceedings of the Tribal Court, consistent with the provisions of this Constitution and requirements of Federal Law. In case of failure of the Chief Judge to establish such rules, the Tribal Council shall have the authority to establish them.

ARTICLE VI - ELECTIONS

Section 1. Voters

All duly enrolled members of the Confederated Tribes of Siletz Indians of Oregon who are eighteen (18) years of age or older shall have the right to vote in all tribal elections.

Sect 2. Manner of Voting.

All elections shall be by secret ballot, except that the General Council may make advisory recommendations to the Tribal Council by voice vote or show of hands at General Council meetings. Voting by mail and absentee ballot shall be provided for by ordinance. The ordinance shall require that such ballots be made available to members sufficiently in advance of any election to permit the ballots to be submitted by voters to the tribal office prior to the scheduled date of the elections. Ballots so submitted shall be counted along with ballots cast in person at the polls.

Sect 3. Tribal Council Election.

Elections for Tribal Council shall be held annually on the first Saturday of February, except as provided in Article VI, Section 5. The times and places of voting shall be designated by the Tribal Council. New members shall take office upon certification of election results by the Election Board.

Candidates for Tribal Council must be duly enrolled members of the Confederated Tribes of Siletz Indians of Oregon who will be at least eighteen (18) years of age on the date of election and who have never been expelled in accordance with Article VII, Section 4. Candidates must file statements of their candidacy with the Election Board not less than forty- five days before the annual election. The Election Board shall make public the list of candidates not less than thirty days before the election.

Each voter shall be allowed to cast one vote for each vacancy on the Tribal Council. No more than one vote per candidate shall be cast. The winners shall be chosen by plurality according to the rank order of votes received. In the event of a tie, the winner shall be chosen by flipping a coin under the supervision of the Election Board.

[Amended by Constitutional Amendments Election May 16, 2008]

Sec. 4. Election Ordinance.

The Tribal Council shall enact an election ordinance consistent with the provisions of this Constitution. The ordinance shall include provision for appointment by the Tribal Council of a three-member Election Board. The members of the Election Board shall serve for set terms of office and shall be removable prior to the expiration of their terms only for cause. No person who holds any elective tribal office or is a candidate for such office shall be eligible to serve on the Election Board. The Election Board shall supervise all tribal elections, verify petitions by tribal

members, and perform such other duties as are set by the election ordinance. The ordinance shall include provision for settlement of election disputes, including the right to appeal to the Tribal Court whose decision shall be final.

Sec. 5. First Election.

Notwithstanding the above provisions, the election of the first Tribal Council under this constitution shall be in accordance with an election ordinance enacted by the Interim Tribal Council which accords as much as is feasible with the above provisions and which is made available to the tribal membership no more than thirty days after certification of the adoption of this Constitution. The ordinance shall provide that the election will be held no later than one hundred-twenty days after adoption of the Constitution, and may provide that there will be no regular, annual election of Tribal Council members thereafter until February of 1981. The first Tribal Council elected under this Constitution shall be elected with three members at three-year terms, three members at two-year terms, and three members at one-year terms, or until certification of his or her successor's election: Provided, any person who meets the requirements in Section 4(b) of the Act of November 18, 1977, 91 Stat. 1415, shall be entitled to vote, whether they meet the membership requirements under Article 1, Section 1 of this Constitution.

Sec. 6. Vacancies.

In the event that any elective tribal office becomes vacant between elections, the Chairman shall recommend a person who meets the requirements of a candidate for that position to fill the vacancy. Such person shall assume office to serve the remainder of the term upon approval of the appointment by the Tribal Council.

ARTICLE VII - INITIATIVE, REFERENDUM, RECALL, AND EXPULSION

Section 1. Initiative.

Upon receipt and verification by the Election Board of a petition of at least one-third of the General Council of the Confederated Tribes of Siletz Indians of Oregon, a proposed ordinance or resolution made by the people shall be submitted to a vote of the General Council at a regular or special election to be held within sixty days of verification of the petition by the Election Board. The vote of a majority of those actually voting shall be conclusive and binding upon the Tribal Council.

Sec. 2. Referendum.

Upon receipt and verification by the Election Board of a petition of at least one-third of the General Council of the Confederated Tribes of Siletz Indians of Oregon or upon the request of two-thirds of the total membership of the Tribal Council, any proposed or previously enacted ordinance or resolution of the Tribal Council shall be submitted to a vote of the General Council at a regular or special election to be held within sixty days of verification of the petition by the Election Board or vote of the Tribal Council. The vote of a majority of those actually voting shall be conclusive and binding upon the Tribal Council.

Sec. 3. Recall.

Upon receipt and verification by the Election Board of a petition of at least one-third of the General Council of the Confederated Tribes of Siletz Indians of Oregon, it shall be the duty of the Tribal Council to call a special election to consider the recall of the elected tribal official named in the petition. The election shall be held within thirty days of verification of the petition by the Election Board, provided that if the petition is submitted within six months of the next annual election the Tribal Council may direct that the matter be placed on the ballot for that election. If a majority of those actually voting favor the recall of the official, the office shall be declared vacant and filled in accordance with Article VI, Section 6 of this Constitution.

Sec 4. Expulsion.

The Tribal Council may by a two-thirds vote of the total members of the Tribal Council, after due notice and an opportunity to be heard, expell any Tribal Council member for neglect of duty or gross misconduct. Any member so expelled shall have the right to appeal the expulsion to the Tribal Court with complete review of all matters at issue.

Sec. 5. Ordinance.

Initiative, referendum, recall, and expulsion procedures shall be set by ordinance by the Tribal Council, provided that the procedures shall accord with the elections article of this Constitution where appropriate.

ARTICLE VIII - AMENDMENT

This Constitution may be amended by a majority vote of the qualified voters of the Confederated Tribes of Siletz Indians of Oregon voting at an election called for that purpose by the Secretary of the Interior. The election shall be conducted in accordance with rules and regulations as set forth by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to authorize an election on any proposed amendment at the request of a majority of the Tribal Council, or upon the presentation of a petition signed by at least one-third of the General Council. The Secretary of the Interior may not authorize elections to amend this Constitution without consent of the Tribal Council.

ARTICLE IX - ADOPTION

This Constitution, when adopted by a majority of the qualified voters of the Confederated Tribes of Siletz Indians of Oregon who actually vote at an election called for that purpose by the Secretary of the Interior, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of approval.

Amendments to Siletz Constitution

Amendment No. 1 - 1994, Art I, Section 1(B) - changed blood quantum requirement from 1/8 to 1/16.

Amendment No. 2 - 2008, Purposes (2) - expresses the Siletz Tribe's status as a treaty tribe pursuant to federal law and states the treaties and Executive Order under which the Siletz Tribe is the successor in interest to the various bands and tribes of Indians that comprise the Confederated Tribes of Siletz Indians of Oregon.

Amendment No. 3 - 2008, Art. IV, Section 1 - removed the language requiring approval of Siletz attorney contracts, to conform with federal law.

Amendment No. 4 - 2008, Art. VI, Section 3 - fixed typographical errors, the number 19 to 18 in paragraph 2 and adding the word "by" in paragraph 3.

Historical Notes

1. The Siletz Constitution was approved by vote of the tribal membership, pursuant to Article IX, on June 2, 1979. The Constitution was then approved by the Acting Deputy Commissioner of Indian Affairs on June 13, 1979, and, pursuant to Article IX, was effective from that date.
2. Under the Siletz Restoration Act, 25 U.S.C. § 711 et seq., Pub. L. No. 95-195, 91 Stat. 1416, November 18, 1977, § 4 (25 U.S.C. 711b(b)), until the initial election of tribal officers under the tribal constitution and bylaws, the Siletz blood quantum necessary to qualify for inclusion on the Siletz membership roll was "one-fourth" degree of blood of members of the tribe or their Siletz Indian ancestors."