

## TITLE 1 - GENERAL PROVISIONS

### CHAPTER 1-5 CIVIL RIGHTS ACT

#### 1-5-1 Civil Rights of Persons within Tribal Jurisdiction

The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (Tribes) in exercising powers of self-government shall not:

- (a) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- (b) violate the right of the people within its jurisdiction to be secure in their person, houses, papers and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the person or thing to be seized;
- (c) subject any person for the same Tribal offense to be twice put in jeopardy;
- (d) compel any person in any criminal case to be a witness against himself;
- (e) take any private property for a public use without just compensation;
- (f) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense, to have the assistance of counsel for his defense;
- (g) require excessive bail within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- (h) pass any bill of attainder or ex post facto law; or
- (j) deny to any person accused of an offense punishable by imprisonment, the right, upon request to a Tribal jury of not less than six (6) persons.

#### 1-5-2 Right of Action

Any person may bring an action for declaratory and/or injunctive relief only against any executive officer or employee of the Tribes, or any employee or officer of any governmental agency acting within the jurisdiction of the Tribes' Tribal Court, to protect the rights set out in 1-5-1 of this Chapter.

### 1-5-3 Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians Tribal Court

Actions brought under 1-5-2 shall be brought only in the Court of the Tribes; notwithstanding the fact that a court of another jurisdiction may have concurrent jurisdiction.

### 1-5-4 Sovereign Immunity

When suit is brought in the Tribes' Tribal Court under 1-5-3 to protect rights set out in 1-5-1, the sovereign immunity of the Tribes is hereby waived in the Tribal Court for the limited person of providing declaratory and injunctive relief, where appropriate under the law and facts asserted to protect those rights; provided, the immunity of the Tribes is not waived with regard to damages, court costs or attorney fees.

### 1-5-5 Other Law Unaffected

The laws of the Tribes, insofar as they do not violate the rights set out in 1-5-1 of this Chapter, shall be unaffected by this Chapter. The Tribal Rules of Civil Procedure, the Tribal Statutes of Limitations and all other rules of practice and procedure shall apply to suits brought under this Chapter.

### 1-5-6 Custom and Tradition to be Respected

In construing this Chapter, the Tribal Court shall consider, when properly presented to the Tribal Court, the history, customs and traditions of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

### 1-5-7 Insurance

Notwithstanding any other provision of this Chapter or the Tribes, with respect to any claim made under this Chapter, in the Tribes, for which the Tribes carry an active and enforceable policy of liability insurance, suit may be brought for damages up to the full available amount of the coverage provided in the insurance policy: provided, no judgment on any such claim may be for more than the amount of insurance carried by the Tribes; and further provided, any such judgment against the Tribes may only be satisfied pursuant to the provisions of the policy or policies of insurance then in effect.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

## CIVIL RIGHTS ACT

### **LEGISLATIVE HISTORY AND EDITORIAL CHANGES**

The Tribal Council of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians enacted the "Civil Rights Act", Resolution No. 01-096, Ordinance No. 032, in a special Tribal Council meeting on December 17, 2001. Vote was 6 (for), 0 (against) and 0 (abstaining).